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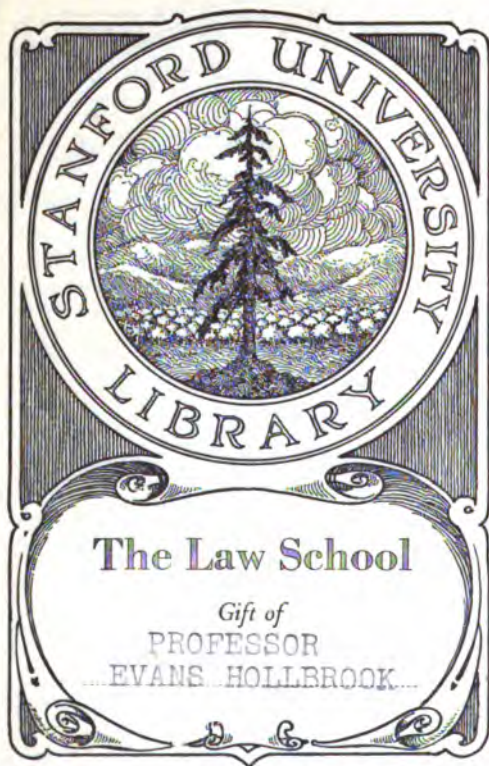
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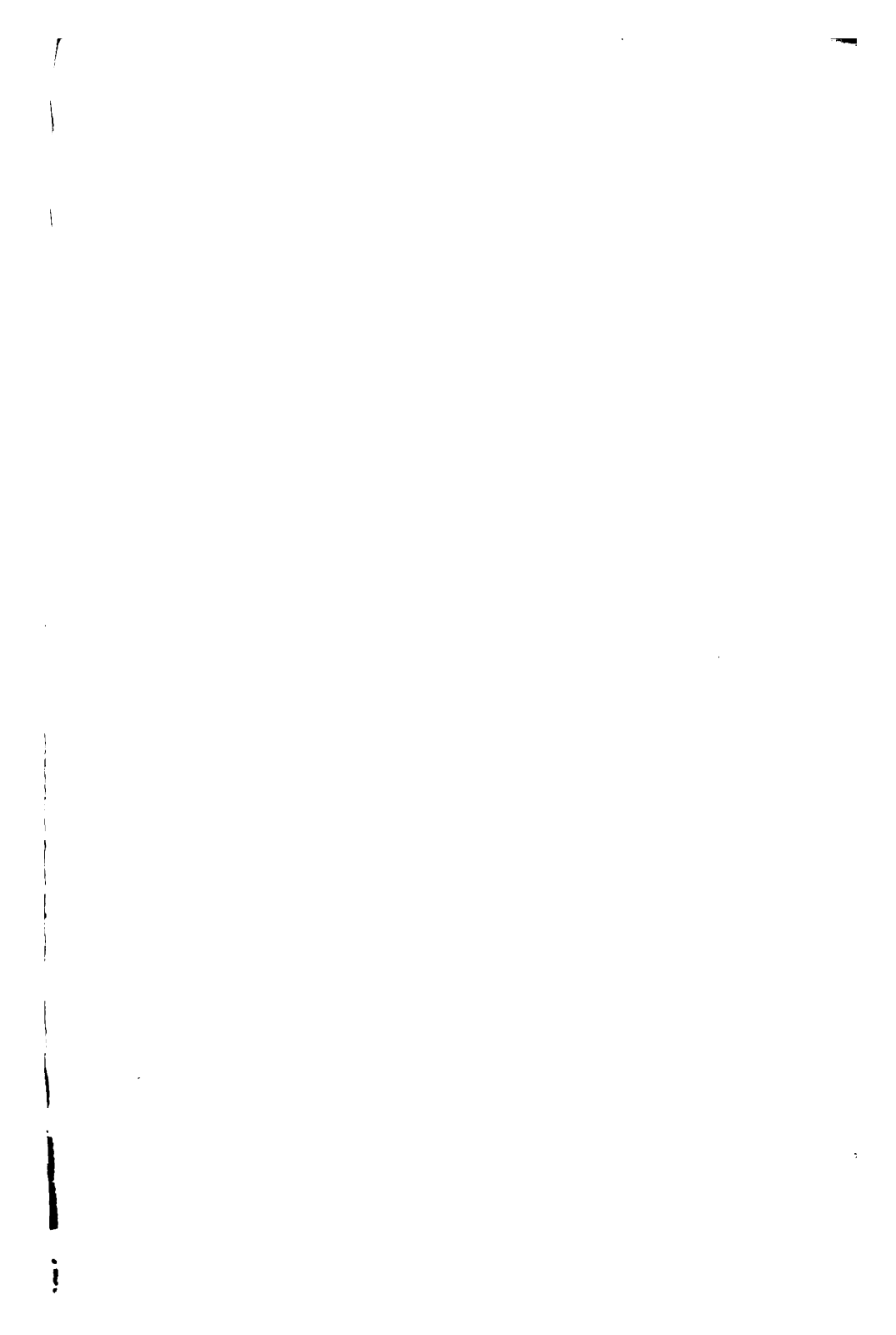
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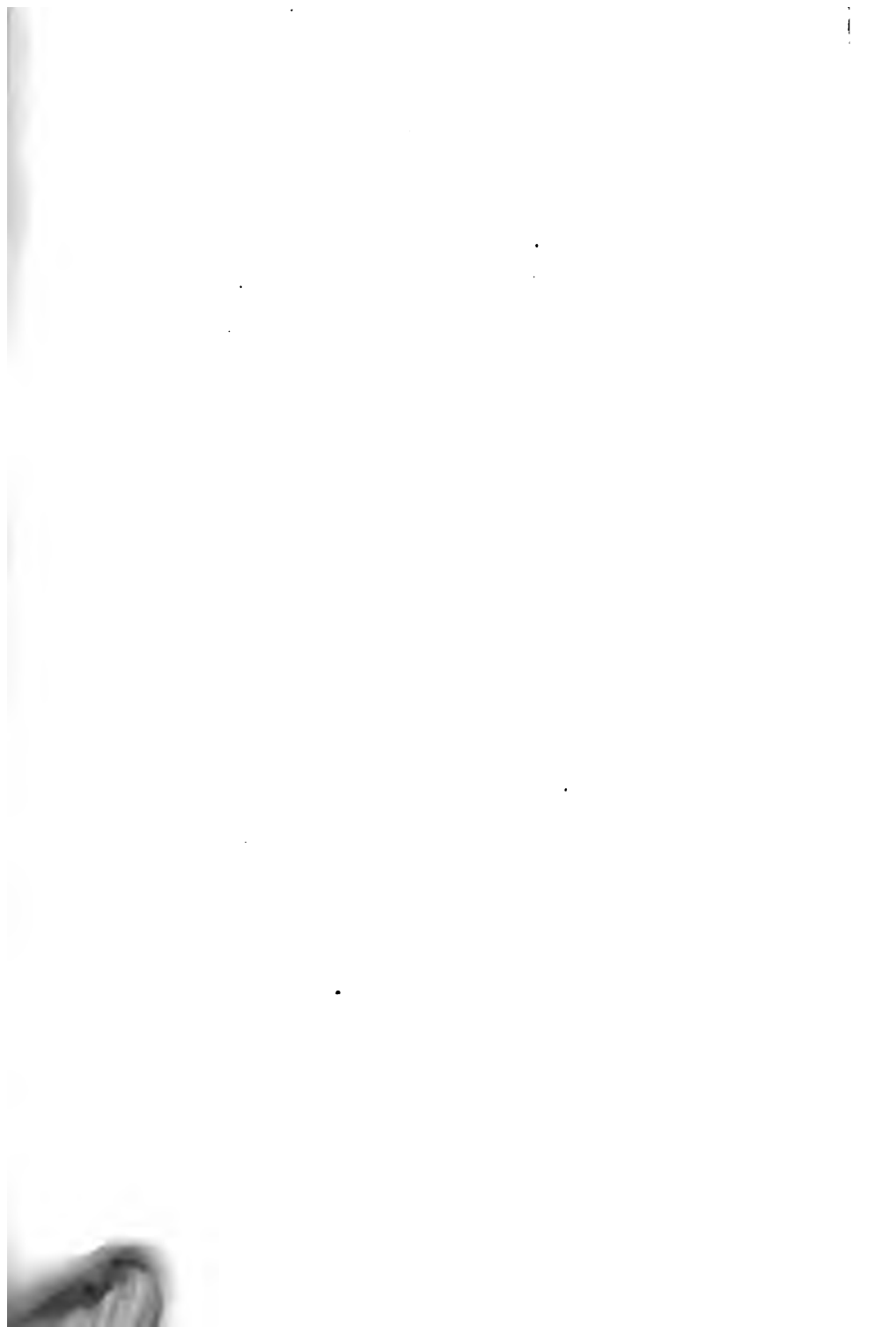
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ACTS
OF
THE LEGISLATURE
OF THE
STATE OF MICHIGAN,

PASSED AT THE
REGULAR SESSION OF 1865,
WITH AN APPENDIX,

Containing Certified Statements of Boards of Supervisors, relative to the Erection
of New Townships; also, State Treasurer's Annual Report
for the Year 1864.



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LAWS OF MICHIGAN.

[No. 1.]

AN ACT to extend the time for the collection of taxes in the city and township of Flint, in the county of Genesee, for the year eighteen hundred and sixty-four.

SECTION 1. *The People of the State of Michigan enact, That* the time for the collection of taxes in the city of Flint and township of Flint, in the county of Genesee, for the year eighteen hundred and sixty-four, be and the same is hereby extended until Wednesday, the fifteenth day of February, eighteen hundred and sixty-five.

Sec. 2. The treasurers of said city and township, respectively, are hereby authorized and empowered to proceed to collect said taxes, as fully as they could do in the lifetime of their respective warrants, and to make returns on or before the fifteenth day of February next; and the warrants of said treasurers are hereby revived and continued in full force and virtue, for the purposes aforesaid, until the said fifteenth day of February next.

Sec. 3. It shall be the duty of the treasurers of said city and township, before they shall be entitled to the benefit of this act, to pay over all moneys collected during the lifetime of their warrants, as is now provided by law, and to renew their official bonds to the satisfaction of the treasurer of said county.

Sec. 4. A transcript of all unpaid taxes, returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes

for the year eighteen hundred and sixty-four, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take immediate effect.

Approved January 21, 1865.

[No. 2.]

AN ACT to authorize union school district number one, of the township of Caledonia, in the county of Shiawassee, to borrow money for the purposes therein mentioned.

SECTION 1. *The People of the State of Michigan enact,* That the district board of union school district number one, of the township of Caledonia, in the county of Shiawassee, be and the same is hereby authorized to issue and negotiate the bonds of said district, in such sums, and for such amounts, not exceeding twenty thousand dollars, and drawing not exceeding ten per cent. interest, as said school district shall, at a special school meeting, (to be called as provided by law,) by a majority vote of the legal voters of said district direct: *Provided,* That no such loan shall be made, or bonds issued as aforesaid, until after the subject shall have been submitted to, and approved by, the qualified electors of said district.

Sec. 2. The money to be borrowed by authority of this act shall be invested and expended in purchasing a school-house site, and building a school-house, and for no other purpose.

Sec. 3. This act shall take immediate effect.

Approved January 21, 1865.

[No. 3.]

AN ACT to authorize the township of Lowell to raise money for the construction of a bridge across Flat river, in the village of Lowell.

SECTION 1. *The People of the State of Michigan enact,* That it shall be lawful for the township of Lowell, in the county of Kent, to borrow money, to pledge the credit of said township,

to issue bonds and to levy taxes, for any sum not exceeding six thousand dollars, at any special meeting called for that purpose, as hereinafter directed, for the purpose of constructing a bridge across Flat river, on Bridge street, in the village of Lowell, in said township.

Sec. 2. It shall be the duty of the clerk of said township to ^{Meeting of} call a meeting of the electors thereof, on the written or printed ^{of electors, call} request of twelve freeholders of said township, which request shall specify the object of such meeting, and such other matters as may be deemed for the interest and security of the township relative thereto; such meeting shall be called, and notice thereof given by the clerk, in the manner prescribed by law for calling special township meetings; and in posting the notices for such meeting, the clerk shall also, with each notice, post a copy of the request upon which the meeting is called. The ^{Questions to} questions submitted to the electors shall be those contained in ^{be submitted} the call for the meeting; and those who vote in the affirmative, upon the question of the construction of said bridge, shall vote a ballot on which is written or printed: "building bridge—yes;" ^{Form of ballot.} and those who vote in the negative shall vote a ballot on which is written or printed: "building bridge—no." The meeting shall be conducted in the same manner as annual meetings are conducted, and the result shall be certified by the board of inspectors, and filed in the office of the clerk of said township.

Sec. 3. If it shall be determined, by the vote of a majority ^{Duty of supervisor and clerk.} of the electors present at such meeting, to construct said bridge, it shall be the duty of the supervisor and clerk of said township to loan money, to execute the bonds of said township, to require the securities of the commissioners, as hereinafter provided, and to do all other acts necessary to comply with such ^{Moneys deposited with treasurer.} determination; and all moneys or securities accruing to said township under this act shall be deposited with the treasurer thereof, and held by him until delivered up upon proper authority, or to his successor in office.

Sec. 4. The bonds issued under the provisions of this act ^{Bonds.} shall be for sums of from one hundred dollars to one thousand

dollars each, and payable at any time within ten years from the date of issue, and at a rate of interest not exceeding ten per centum per annum, payable annually, which bonds shall be signed by the supervisor, and countersigned by the clerk of said township: *Provided*, That the inhabitants of said township of Lowell shall have the exclusive preference in the negotiation of said bonds, for the period of fourteen days from the issuing of the same: *And provided also*, That said bonds shall in no case be sold by said township for less than their par value: *And, provided further*, That the amount of bonds which shall fall due in any one year shall not exceed one thousand dollars.

Special commissioners. Sec. 5. For carrying into effect the provisions of this act, Francis King, Cyprian S. Hooker and Charles B. Carter, all of the township of Lowell, Kent county, Michigan, are hereby appointed special commissioners, whose duty it shall be, upon the determination of said township to construct said bridge, as hereinbefore provided, and upon their acceptance of this appointment, to build said bridge according to the plans and specifications determined upon by said township at said meeting; and in all respects in which said township shall have neglected or failed to prescribe, said commissioners shall proceed in such manner as they shall deem best. Said commissioners shall receive for their services herein the sum of two dollars per day, for the time actually spent in such services. Said commissioners shall give a bond, in the sum of twelve thousand dollars, with two sureties, to be approved by the supervisor of said township, conditioned for the faithful performance of the duties imposed by this act, and for the rendering a true and complete account of all moneys received and disbursed by them in the discharge of said duties, which bond shall be filed with the clerk of said township; and said commissioners are authorized and empowered to draw from the funds in the hands of the treasurer of said township, raised by virtue of this act, upon their own order, such sums of money as may be necessary, from time to time, in the prosecution of said work, and it shall be the duty of said township treasurer to pay such orders out of said

How executed.

Proviso.

Duties of.

Compensation of.

Bond

Powers of

fund: *Provided*, That no moneys shall be paid for any materials ^{Provided.} until the same shall have been delivered, or for any labor until the same shall have been performed: *And provided also*, That ^{Letting to be advertised.} the letting of the work herein contemplated shall first be advertised for six successive days, in a daily newspaper published in said county, and the letting shall be given to the lowest bidder therefor, who shall give sufficient security for the faithful performance of said work: *And provided further*, That no commissioner who shall act under said appointment shall bid at said letting. ^{Commissioners not to bid.} In case of the neglect or refusal of any one or more of said commissioners to act under said appointment, the remaining commissioners or commissioner may, upon filing the requisite security, discharge the duties of said appointment.

Sec. 6. The supervisor of said township shall, from time to time, as shall be necessary, levy and assess a tax upon the taxable property of said township, sufficient to meet the bonds issued by said township as aforesaid, and interest thereon, as they shall, from time to time, become due, and all necessary expenses; and said tax shall be assessed and collected in the ^{How assessed and collected.} same manner as other taxes are by law assessed and collected, and the tax thus collected shall be exclusively appropriated and applied to the payment of the bonds, interest, and expenses aforesaid.

Sec. 7. This act shall take immediate effect.

Approved January 24, 1865.

[No. 4.]

AN ACT to provide for the improvement of the navigation of Saginaw river, and to authorize the county of Saginaw to loan money in aid thereof.

SECTION 1. *The People of the State of Michigan enact*, That the county of Saginaw is hereby authorized and empowered to borrow a sum of money, not exceeding one hundred thousand ^{Issue of bonds authorized.} dollars, on the faith and credit of said county, and to issue its bonds therefor, payable at a time not exceeding twenty years

from the date thereof, and at a rate of interest not exceeding ten per cent. per annum, which money shall be expended as hereinafter provided, in deepening the channel of the Saginaw river: *Provided*, That the question of making said loan shall be submitted to a vote of the electors of said county, as hereinafter provided; and no loan shall be made under the provisions of this act unless a majority of the votes given shall be in favor thereof.

Copy of act
to be trans-
mitted.

Notice of
submission
to electors.

Copy of act,
etc., to be
filed with
Co. Clerk.

Time and
manner of
taking vote.

Canvass of
vote.

Sec. 2. It shall be the duty of the Secretary of State to transmit a copy of this act, within twenty days after the passage thereof, to the sheriff of Saginaw county, who shall thereupon cause notice to be given that the question of borrowing the sum of one hundred thousand dollars, upon the bonds of said county, payable as hereinbefore provided, to aid in the improvement of Saginaw river, will be submitted to the electors of the county, in the several townships and cities thereof, on the tenth day of March next, at the several places designated for holding the township and ward elections, by causing written or printed notices thereof to be posted in three public places in each township and ward in said county, at least ten days previous to the time fixed for said vote, and by causing a copy of such notice to be published in the several newspapers printed in said county, for at least two weeks previous to the time fixed for such vote; and when such notice shall have been given, he shall thereupon deliver said copy of this act, with his certificate annexed thereto, showing the time and manner of giving such notice, to the county clerk of said county, who shall file the same in his office, and said certificate, or a certified copy thereof, shall be *prima facie* evidence of the facts therein contained.

Sec. 3. At the time specified in such notice, a vote of the electors of said county shall be taken in each of the townships and wards thereof; the inspectors receiving the votes shall be the same as shall be required at the annual township meetings and charter elections, and the votes shall be canvassed, and the result thereof certified, by the inspectors, in the same manner

as at such meetings and elections, and such certified statement of the result shall be forthwith transmitted to the county clerk of said county. On Tuesday, in the week next following the day on which such vote shall be taken, the board of supervisors of said county shall meet at the county seat of said county, and proceed to examine the said original certified statements of votes given, and shall ascertain therefrom and declare the result of said vote, which determination shall be entered upon the record of their proceedings; and if a majority of the votes so given shall be in favor of said loan, they shall have power at the same meeting, and before their final adjournment, or at any lawful meeting of said board, to appoint three commissioners, whose powers and duties are hereinafter prescribed, and to authorize their chairman and clerk to issue the bonds of the county in such sums as shall, from time to time, be required, not exceeding in all the sum of one hundred thousand dollars, in such denominations, and payable at a time not exceeding twenty years from the date thereof, and at such place as shall be fixed by said board.

Sec. 4. The commissioners appointed by said board shall be residents of Saginaw county, and shall hold their office for one year, and until their successors shall be appointed and qualified. They shall have power to receive the bonds issued, as hereinbefore provided, and to negotiate the same at not less than their par value, and it shall be their duty to expend the money received by them thereupon in deepening and widening the channel of the Saginaw river, and improving the navigation thereof: *Provided* That said commissioners shall have power, in their discretion, to expend the sum of not less than five nor more than ten thousand dollars in the improvement of the navigation of the navigable streams tributary thereto; and they, or a majority of them, shall have power to cause surveys and plans of said channel, and estimates of labor and material, to be made, and to appoint a superintendent to carry on the work determined by them to be done—to let contracts for such work, and to purchase such material, boats, dredges, scows, tools and imple-

Commissioners to give bonds.

ments, as may be necessary for the performance of such work as they may find necessary to make a good navigable channel in said river. Before entering upon the duties of his said office, each commissioner shall execute a bond to the county of Saginaw, in the penal sum of fifty thousand dollars, conditioned for the faithful discharge of his duties as such commissioner, and that he will render a just and true account of all moneys or bonds which shall come into his hands as commissioner, whenever required by the board of supervisors of said county, and that he will deliver to his successor in said office, or any other person authorized by said board to receive the same, all moneys, books, papers, or other things, belonging or appertaining to said office, or in his hands as such commissioner, with three or more sufficient sureties, to be approved by the board of supervisors, or circuit judge of said county, and filed with the clerk of said county. Whenever the condition of any such bond shall be forfeited, to the knowledge of the board of supervisors of said county, they shall cause the same to be put in suit, and all moneys received in such action shall be paid into the treasury of said county, and applied to the purpose of improving the navigation of said river as aforesaid.

Proceedings when conditions of, are forfeited.

Vacancies how filled

Sec. 5. Whenever a vacancy shall, from any cause, occur in the office of said commissioners, the board of supervisors shall have power to fill the same by appointment, and to remove any of said commissioners for cause, to be entered on their records; and it shall be the duty of the said commissioners to make a full report of their doings, including a statement of the bonds negotiated, the money received thereon, the amount of labor done, contracts let, and money expended, to the board of supervisors of said county, at their annual meeting in each year; and they shall also keep a full and correct account of all moneys received and disbursed by them from time to time, which shall be at all times open to the inspection of the board of supervisors, or any committee thereof, or any person appointed by said board for that purpose.

Report of commissioners.

Account of.

Sec. 6. The said commissioners shall receive compensation for their services at the rate of five dollars per day each for the time during which they are actually employed, besides all the expenses actually and necessarily incurred by them in the discharge of their duties, which shall be audited and allowed by the board of supervisors of said county, and when so allowed shall be paid from the moneys arising from the negotiation of said bonds. Compensation of commissioners. How paid.

Sec. 7. It shall be the duty of the board of supervisors to provide for the payment of the interest accruing on said bonds, as the same shall become due, by taxation, in the same manner that the ordinary expenses of the county are provided for. At any time after the expiration of ten years from the passage of this act, it shall be lawful for the board of supervisors of said county to provide a sinking fund for the gradual extinguishment of said debt; and it shall be the duty of said board to provide for the payment of said bonds at the maturity thereof, by tax upon the taxable property of the several townships and cities of said county, and the board shall have power, at the time of ordering the assessment of said tax, to determine the relative proportion which each township and city in said county shall contribute in paying the principal sum in said bonds mentioned, as may be just and equitable; and the amounts so apportioned shall be assessed and collected by the several townships and cities, and paid into the treasury of said county. Payment of interest. Sinking fund. Payment of bonds.

Sec. 8. This act shall take immediate effect.

Approved January 25, 1865.

[No. 5.]

AN ACT to extend the time for the collection of taxes in the townships of Ash, Raisinville, Erie and Frenchtown, in the county of Monroe.

SECTION 1. *The People of the State of Michigan enact, That the time for the collection of taxes in the townships of Ash, Raisin-* Time extended.

ville, Erie and Frenchtown, in the county of Monroe, for the year eighteen hundred and sixty-four, be and the same is hereby extended until the second Monday in March, one thousand eight hundred and sixty-five.

Power of
treasurers.

Sec. 2. The treasurers of said townships are hereby authorized and empowered to proceed and collect said taxes as fully as they could in the lifetime of their warrants, and to make returns at any time before the second Monday of March next; and said warrants are hereby revived and continued in full force and virtue, for the purpose aforesaid, until the second Monday in March next.

Warrants
continued in
force.

Duty of
treasurers.

Sec. 3. It shall be the duty of the treasurers of the said townships, before they shall be entitled to the benefits of this act, to pay over all moneys collected during the lifetime of their warrants, as is now provided by law, and to renew their official bonds to the satisfaction of the treasurer of said county.

Renewal of
bonds.

Return of
unpaid
taxes.

Sec. 4. A transcript of all unpaid taxes, returnable to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes for the year eighteen hundred and sixty-four, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take immediate effect.

Approved January 31, 1865.

[No. 6.]

AN ACT to extend the time for the collection of taxes in the township of Seneca, in the county of Lenawee.

Time ex-
tended.

SECTION 1. *The People of the State of Michigan enact, That the time for the collection of taxes in the township of Seneca, in the county of Lenawee, for the year eighteen hundred and sixty-four, be and the same is hereby extended until the first day of March, in the year eighteen hundred and sixty-five.*

Sec. 2. The treasurer of said township is hereby authorized ^{Power of treasurer.} and empowered to proceed and collect said taxes as fully as he could in the lifetime of his warrant, and to make return at any time before the first day of March next, and said warrant is ^{Warrant continued in force.} hereby revived and continued in full force and virtue, for the purpose aforesaid, until the said first day of March next.

Sec. 3. It shall be the duty of the treasurer of the said town- ^{Duty of treasurer.} ship, before he shall be entitled to the benefits of this act, to pay over all moneys collected during the lifetime of his warrant, as is now provided by law, and to renew his official bond, ^{Renewal of bond.} to the satisfaction of the treasurer of said county.

Sec. 4. A transcript of all unpaid taxes, returnable to the ^{Return of unpaid taxes.} county treasurer in pursuance of the foregoing provision, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes for the year eighteen hundred and sixty-four, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take immediate effect.

Approved January 31, 1865.

[No. 7.]

AN ACT to extend the time for the collection of taxes in the township of Warren, in the county of Macomb.

SECTION 1. *The People of the State of Michigan enact, That* the time for the collection of taxes in the township of Warren, ^{Time extended.} in the county of Macomb, for the year eighteen hundred and sixty-four, be and the same is hereby extended until the first day of March, eighteen hundred and sixty-five.

Sec. 2. The treasurer of said township is hereby authorized ^{Power of treasurer.} and empowered to proceed and collect said taxes as fully as he could in the lifetime of his warrant, and to make returns at any time before the first day of March next, and said warrant is ^{Warrant continued in force.} hereby revived and continued in full force and virtue, for the purpose aforesaid, until the first day of March next.

Duty of
treasurer.

Sec. 3. It shall be the duty of the treasurer of said township, before he shall be entitled to the benefits of this act, to pay over all moneys collected during the lifetime of his warrant, as is now prescribed by law, and to renew his official bond to the satisfaction of the treasurer of said county.

Renewal of
bond.

Return of
unpaid
taxes.

Sec. 4. A transcript of all unpaid taxes, returnable to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes for the year eighteen hundred and sixty-four, and duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take immediate effect.

Approved January 31, 1865.

[No. 8.]

AN ACT to legalize the tax roll of the city of Saginaw, county of Saginaw, for the year eighteen hundred and sixty-four, and to extend the time for the collection of the taxes of said city.

Tax rolls le-
galized.

SECTION 1. *The People of the State of Michigan enact*, That the tax rolls for the year eighteen hundred and sixty-four, for the city of Saginaw, in the county of Saginaw, be and the same is hereby declared as valid and legal as though the assessment rolls had been made by the supervisors within the time prescribed by law, and as legal and valid as though the taxes charged upon each parcel had been carried out separately, opposite each description, in said rolls, as required by law; and the treasurer of said city is hereby authorized and empowered to collect the taxes on said rolls, and make the return thereof.

Time for
collection
extended.

Sec. 2. The time for the collection of the taxes in said city of Saginaw, for the year eighteen hundred and sixty-four, is hereby extended to the first day of March next, and the treasurer of said city is hereby authorized and empowered to pro-

ceed and collect said taxes, and make return, in pursuance of his warrant, on or before the first day of March next, and his warrant is hereby continued in full force and virtue until that time. Warrant continued in force.

Sec. 3. It shall be the duty of the treasurer of said city, before he shall avail himself of the benefit of the extension of time herein conferred, to pay over all moneys collected during the lifetime of his warrant, as now provided by law, and to renew his official bond to the satisfaction of the common council of said city of Saginaw. Duty of treasurer. Renewal of bond.

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer, in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes for the year eighteen hundred and sixty-four, duly returned to the Auditor General for non-payment. Return of unpaid taxes.

Sec. 5. This act shall take immediate effect.

Approved January 31, 1865.

[No. 9.]

AN ACT to legalize the assessment roll of the township of Richland, in the county of Saginaw, for the year eighteen hundred and sixty-four.

SECTION 1. *The People of the State of Michigan enact*, That the assessment roll of the township of Richland, in the county of Saginaw, for the year eighteen hundred and sixty-four, is hereby declared to be as legal and valid as if the certificate required by section eight hundred and six of the compiled laws, and attached thereto, had been signed by the supervisor of said township who made the same. Assessment roll legalized.

Sec. 2. The treasurer of said township is hereby authorized and empowered to proceed and collect the several taxes contained in the copy of said roll delivered to him, as fully and Treasurer authorized to collect taxes.

effectually as if the said certificate, attached to the original roll, had been signed by the supervisor of said township.

Sec. 3. This act shall take immediate effect.

Approved January 31, 1865.

[No. 10.]

AN ACT to extend the time for the collection of taxes in the city of East Saginaw.

SECTION 1. *The People of the State of Michigan enact, That the* time for the collection of taxes in the several wards of the city of East Saginaw, for the year eighteen hundred and sixty-four, be and the same is hereby extended until Tuesday, March first, eighteen hundred and sixty-five.

Sec. 2. The marshal of said city is hereby authorized to proceed and collect said taxes as fully as he might have done during the lifetime of his warrant, and make his return on or before the first day of March aforesaid, and said warrant is continued in full force, for that purpose, until said time.

Sec. 3. The marshal aforesaid, before he shall be entitled to the benefits of this act, shall pay over all moneys collected during the lifetime of his warrant, as now provided by law, and shall renew his official bond, to be approved by the treasurer of said county.

Sec. 4. A transcript of all unpaid taxes, returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes for the year eighteen hundred and sixty-four, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take immediate effect.

Approved January 31, 1865.

[No. 11.]

AN ACT to extend the time for the collection of taxes in the sixth ward in the city of Detroit, Wayne county.

SECTION 1. *The People of the State of Michigan enact, That* the time for the collection of taxes in the sixth ward in the city of Detroit, for the year eighteen hundred and sixty-four, is hereby extended until the first day of March next. Time extended.

Sec. 2. The collector of the sixth ward of the city of Detroit is hereby authorized to proceed and collect said taxes as fully as he might have done during the lifetime of his warrant for that purpose, and make his return on or before the first day of March next, and said warrant is hereby continued in full force, Power of collector. Warrant continued in force. until said time.

Sec. 3. The collector aforesaid shall, before he shall be entitled to the benefits of this act, pay over all moneys collected during the lifetime of his warrant, as now provided by law, and shall renew his official bond, to be approved by the treasurer of said county. Duty of collector. Renewal of bond.

Sec. 4. A transcript of all unpaid taxes, returnable to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes for the year eighteen hundred and sixty-four, duly returned to the Auditor General for non-payment. Return of unpaid taxes.

Sec. 5. This act shall take immediate effect.

Approved January 31, 1865.

[No. 12.]

AN ACT to extend the time for the collection of taxes in the township of Paris, in the county of Huron.

SECTION 1. *The People of the State of Michigan enact, That* the time for the collection of taxes in the township of Paris, in the county of Huron, for the year eighteen hundred and sixty- Time extended.

four, be and the same is hereby extended until the first day of March, eighteen hundred and sixty-five.

Power of
treasurer.

Sec. 2. The treasurer of said township is hereby authorized and empowered to proceed to collect said taxes as fully as he could do in the lifetime of his warrant, and to make returns on or before the first day of March, eighteen hundred and sixty-five, and the warrant of said treasurer is hereby revived and continued in full force and virtue, for the purposes aforesaid, until the said first day of March next.

Warrant
continued in
force. §

Duty of
treasurer.

Sec. 3. It shall be the duty of the treasurer of said township, before he shall be entitled to the benefits of this act, to pay over all moneys collected during the lifetime of his warrant, as is now provided by law, and to renew his official bond to the satisfaction of the treasurer of said county.

Renewal of
bond.

Return of
unpaid tax
on.

Sec. 4. A transcript of all unpaid taxes, returnable to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes for the year eighteen hundred and sixty-four, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take immediate effect.

Approved January 31, 1865.

[No. 13.]

AN ACT to legalize the tax roll of the township of Sandstone, Jackson county, for the year eighteen hundred and sixty-four.

The roll le-
galized.]

SECTION 1. *The People of the State of Michigan enact, That the tax roll, for the year eighteen hundred and sixty-four, for the township of Sandstone, in Jackson county, as made out by the supervisors of said township, be hereby declared as valid and legal as though the electors of said township had specified, at their township meeting, that the moneys voted to be raised for bounty purposes should be raised by tax, as required by law;*

and the treasurer of said township is hereby authorized and empowered to collect the taxes on said roll, and make the returns thereof, according to law. Collection of taxes authorized.

Sec. 2. This act shall take immediate effect.

Approved January 31, 1865.

[No. 14.]

AN ACT to extend the time for the collection of taxes in the second, third and fourth wards of the city of Grand Rapids, in the county of Kent, for the year eighteen hundred and sixty-four.

SECTION 1. *The People of the State of Michigan enact, That the time for the collection of taxes, in the second, third and fourth wards of the city of Grand Rapids, county of Kent, for the year one thousand eight hundred and sixty-four, be and the same is hereby extended until the first day of March, one thousand eight hundred and sixty-five.* Time extended.

Sec. 2. The collectors of said wards are hereby authorized to proceed and collect said taxes as fully as they might have done in the lifetime of their warrants, and make their returns on or before the first day of March aforesaid, and said warrants are continued in full force, for that purpose, until said time. Power of collection. Warrants continued in force.

Sec. 3. The collectors aforesaid, before they shall be entitled to the benefits of this act, shall pay over all moneys collected during the lifetime of their warrants, as now provided by law, and shall renew their official bonds, to be approved by the treasurer of said county. Duty of collectors. Renewal of bonds.

Sec. 4. A transcript of all unpaid taxes, returnable to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes for the year one thousand eight hundred and sixty-four, duly returned to the Auditor General for non-payment. Return of unpaid taxes.

Sec. 5. This act shall take immediate effect.

Approved January 31, 1865.

[No. 15.]

AN ACT to legalize the tax roll of the township of Sanilac, in the county of Sanilac, for the year eighteen hundred and sixty-four, and to extend the time for the collection of the taxes of said township.

Tax roll, legalized. SECTION 1. *The People of the State of Michigan enact, That* the tax roll for the year eighteen hundred and sixty-four, for the township of Sanilac, in the county of Sanilac, be and the same is hereby declared as valid and legal as though all the descriptions of land in said roll had been entered therein before the same was delivered to the township treasurer, and also as legal and valid as though the supervisor had not changed and corrected said roll after the same was delivered to the township treasurer aforesaid; and the treasurer of said township is hereby authorized and empowered to collect the taxes on said roll and make the returns thereof.

Time for collection extended. Sec. 2. The time for the collection of taxes in said township of Sanilac, for the year eighteen hundred and sixty-four, is hereby extended to the first day of March next, and the treasurer of said township is hereby authorized and empowered to proceed and collect said taxes, and make return in pursuance of his warrant, on or before the first day of March next, and his warrant is hereby continued in full force and virtue until that time.

Warrant continued in force. Sec. 3. It shall be the duty of the treasurer of said township, before he shall avail himself of the benefits of the extension of time herein conferred, to pay over all moneys collected during the lifetime of his warrant, as now provided by law, and to renew his official bond to the satisfaction of the county treasurer of Sanilac county.

Duty of treasurer. Sec. 4. A transcript of all unpaid taxes, returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes for the

Renewal of bond.

Return of unpaid taxes.

year eighteen hundred and sixty-four, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take immediate effect.

Approved January 31, 1865.

[No. 16.]

AN ACT to extend the time for the collection of taxes in the township of Handy, in the county of Livingston, for the year eighteen hundred and sixty-four.

SECTION 1. *The People of the State of Michigan enact*, That the time for the collection of taxes in the township of Handy, in the county of Livingston, for the year eighteen hundred and sixty-four, be and the same is hereby extended until the first Monday of March, one thousand eight hundred and sixty-five. Time extended.

Sec. 2. The treasurer of said township is hereby authorized and empowered to proceed and collect said taxes as fully as he could in the lifetime of his warrant, and to make returns at any time before the first Monday of March next, and said warrant is hereby revived and continued in full force and virtue, for the purpose aforesaid, until the first Monday in March next. Power of treasurer. Warrant continued in force.

Sec. 3. It shall be the duty of the treasurer of said township, before he shall be entitled to the benefits of this act, to pay over all moneys collected during the lifetime of his warrant, as is now provided by law, and to renew his official bond to the satisfaction of the treasurer of said county. Duty of treasurer. Renewal of bond.

Sec. 4. A transcript of all unpaid taxes, returnable to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes for the year eighteen hundred and sixty-four, duly returned to the Auditor General for non-payment. Return of unpaid taxes.

Sec. 5. This act shall take immediate effect.

Approved January 31, 1865.

[No. 17.]

AN ACT to extend the time for the collection of taxes in the township of Delhi, in the county of Ingham.

SECTION 1. *The People of the State of Michigan enact, That the* time extended. the time for the collection of taxes in the township of Delhi, in the county of Ingham, for the year eighteen hundred and sixty-four, be and the same is hereby extended until the second Monday in March, one thousand eight hundred and sixty-five.

Power of **Sec. 2.** The treasurer of said township is hereby authorized and empowered to proceed and collect said taxes as fully as he could in the lifetime of his warrant, and to make return at any time before the second Monday of March next, and said warrant is hereby revived and continued in full force and virtue, for the purpose aforesaid, until the second Monday in March next.

Duty of **Sec. 3.** It shall be the duty of the treasurer of said township, before he shall be entitled to the benefits of this act, to pay over all moneys collected during the lifetime of his warrant, as is now provided by law, and to renew his official bond to the satisfaction of the treasurer of said county.

Renewal of **Sec. 4.** A transcript of all unpaid taxes, returnable to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes for the year eighteen hundred and sixty-four, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take immediate effect.

Approved January 31, 1865.

[No. 18.]

AN ACT to extend the time for the collection of taxes in the township of Allegan, Allegan county.

SECTION 1. *The People of the State of Michigan enact, That* the time for the collection of taxes in the township of Allegan, time extended.

Allegan county, for the year eighteen hundred and sixty-four, be and the same is hereby extended until the first Monday in March, one thousand eight hundred and sixty-five.

Sec. 2. The treasurer of said township is hereby authorized ^{Power of treasurer.} and empowered to proceed and collect said taxes as fully as he could in the lifetime of his warrant, and to make returns at any time before the first Monday in March next, and the said warrant is hereby revived and continued in full force and ^{Warrant continued in force.} virtue, for the purpose aforesaid, until the first Monday in March next.

Sec. 3. It shall be the duty of the treasurer of said town- ^{Duty of treasurer} ship, before he shall be entitled to the benefits of this act, to pay over all moneys collected during the lifetime of his war- ^{Renewal of bond.} rant, as is now provided by law, and to renew his official bond to the satisfaction of the treasurer of said county.

Sec. 4. A transcript of all unpaid taxes, returnable to the ^{Return of unpaid tax-} county treasurer in pursuance of the foregoing provisions, shall ^{es.} be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes for the year eighteen hundred and sixty-four, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take immediate effect.

Approved January 31, 1865.

[No. 19.]

AN ACT to extend the time for the collection of taxes in the township of Ecorse, in the county of Wayne.

SECTION 1. *The People of the State of Michigan enact,* That the time for the collection of taxes in the township of Ecorse, in ^{Time exten-} the county of Wayne, for the year eighteen hundred and sixty- ^{ded.} four, be and the same is hereby extended to the second Monday of March, eighteen hundred and sixty-five.

Sec. 2. The treasurer of said township is hereby authorized ^{Power of treasurer.} and empowered to proceed and collect said taxes as fully as

Warrant
continued in
force.

he could do in the lifetime of his warrant, and to make his return at any time on or before the second Monday of March next, and said warrant is hereby revived and continued in full force and virtue, for the purpose aforesaid, until the second Monday of March next.

Duty of
treasurer.

Sec. 3. It shall be the duty of the treasurer of said township, before he shall be entitled to the benefit of this act, to pay over all moneys collected during the lifetime of his warrant, as is now provided by law, and renew his official bond to the satisfaction of the treasurer of said county of Wayne.

Renewal of
bond.

Return of
unpaid taxes.

Sec. 4. A transcript of all unpaid taxes, returnable to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes for the year eighteen hundred and sixty-four, duly returned to the Auditor General.

Sec. 5. This act shall take immediate effect.

Approved January 31, 1865.

[No. 20.]

AN ACT to extend the time for the collection of taxes in the township of Thetford, in the county of Genesee, for the year eighteen hundred and sixty-four.

Time extended.

SECTION 1. *The People of the State of Michigan enact, That the* time for the collection of taxes in the township of Thetford, in the county of Genesee, for the year eighteen hundred and sixty-four, be and the same is hereby extended until the fifteenth day of February, eighteen hundred and sixty-five.

Power of
treasurer.

Sec. 2. The treasurer of said township is hereby authorized and empowered to proceed to collect said tax as fully as he could do in the lifetime of his warrant, and to make returns on or before the fifteenth day of February, eighteen hundred and sixty-five, and the warrant of said treasurer is hereby revived

and continued in full force and virtue, for the purpose afore-^{Warrant continued in force.} said, until the said fifteenth day of February next.

Sec. 3. It shall be the duty of the treasurer of said township,^{Duty of treasurer.} before he shall be entitled to the benefit of this act, to pay over all moneys collected during the lifetime of his warrant, as is^{Renewal of bond.} now provided by law, and to renew his official bond to the satisfaction of the treasurer of said county.

Sec. 4. A transcript of all unpaid taxes, returnable to the^{Return of unpaid taxes.} county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes for the year eighteen hundred and sixty-four, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take immediate effect.

Approved January 31, 1865.

[No. 21.]

AN ACT to amend section twenty-one, of chapter sixty-three, being section one thousand eight hundred and nineteen of the compiled laws.

SECTION 1. *The People of the State of Michigan enact, That* section twenty-one, of chapter sixty-three, being section one^{Section amended.} thousand eight hundred and nineteen of the compiled laws, be amended so as to read as follows:

Sec. 21. All corporations formed under the provisions of this^{Tax on manufacturing companies.} act, for manufacturing purposes, shall be liable to be assessed for all real and personal estate held by them in this State at its true value, and shall pay thereon a tax for township, city, county and State purposes, the same as other real and personal estate, and such tax shall be assessed, collected and paid in the same manner as other taxes on real and personal estate are required to be assessed, collected and paid: *Provided, Nothing herein*^{Provide.}

contained shall authorize the taxing of the capital stock of such corporation as such capital stock.

Sec. 2. This act is ordered to take immediate effect.

Approved February 2, 1865.

[No. 22.]

AN ACT to amend an act entitled "an act to authorize the several townships in any of the counties on the line of the Grand Rapids and Indiana railroad to aid in the construction of said road," approved February fifth, one thousand eight hundred and sixty-four.

Section
amended]

SECTION 1. *The People of the State of Michigan enact, That* section four of an act entitled "an act to authorize the several townships in any of the counties on the line of the Grand Rapids and Indiana railroad to aid in the construction of said road," approved February fifth, one thousand eight hundred and sixty-four, be and the same is hereby amended so as to read as follows:

Tax for the
payment of
principal
and interest

Sec. 4. The township board of any such township authorized by this act, and the proper officers of any such city or incorporated village, shall have power, and it shall be their duty, to raise by tax or otherwise, such sum or sums as shall be sufficient, from time to time, to pay the principal and interest of said bonds, or other obligations, as often as they become due: *Pro-*

Bonds not to
be sold for
less than par

vided, That no bonds or other evidences of debt, issued under the provisions of this act, shall be sold for less than their par value, nor such bonds or other evidences of debt, or the moneys

When mon-
ey to be p'd
to company.

arising from the sale of the same, be delivered or paid over to said railroad company, until the ties shall be furnished and delivered on the line of the road, and the road-bed thereof, including all bridges, culverts, cattle-guards, and road crossings, shall be fully completed and ready for the iron within the municipalities rendering such aid: *And provided, also, That in case the line of said road does not pass within the limits of any such municipality, then no such bonds, evidences of debt,*

or moneys, shall be so delivered until said road shall be completed as aforesaid opposite to and co-terminous with the municipality so aiding in the construction thereof.

Sec. 2. This act shall take immediate effect.

Approved February 2, 1865.

[No. 23.]

AN ACT to amend section four, of chapter eighty-six, of the revised statutes, being section three thousand three hundred and two of the compiled laws, relative to the appointment of guardians for minor children.

SECTION 1. *The People of the State of Michigan enact, That* section four, of chapter eighty-six, of the revised statutes, being section three thousand three hundred and two of the compiled laws, be so amended as to read as follows: Section amended.

Sec. 4. When such minor, being above the age of fourteen years, shall reside more than ten miles from the place of holding the probate court, his nomination of a guardian, made in writing, and signed by himself, may be certified to the judge of probate by a justice of the peace, or by the township clerk of the township in which such minor resides, which shall have the same effect as if made in the presence of the judge: *Provided*, That if such minor shall be temporarily away from this State, in any other State or Territory of the United States, such nomination may be certified with like effect by any civil or military officer of the United States in such State or Territory, holding a commission from the President of the United States, or the Governor of this State. When nomination may be certified by justice of the peace, etc.

Sec. 2. This act shall take immediate effect.

Approved February 2, 1865.

[No. 24.]

AN ACT to extend the time for the collection of taxes in the townships of Monroe, Summerfield, Bedford and Ida, in the county of Monroe.

SECTION 1. *The People of the State of Michigan enact,* That the **Time extended.** time for collection of taxes in the townships of Monroe, Summerfield, Bedford and Ida, in the county of Monroe, for the year eighteen hundred and sixty-four, be and the same is hereby extended until the first day of March, one thousand eight hundred and sixty-five.

Power of treasurers. **Sec. 2.** The treasurers of the said townships are hereby authorized and empowered to proceed and collect said taxes as fully as they could in the lifetime of their warrants, and to make returns at any time before the first day of March next, and said warrants are hereby revived and continued in full **Warrants continued in force.** force and virtue, for the purpose aforesaid, until the first day of March next.

Duty of treasurers. **Sec. 3.** It shall be the duty of the treasurers of the said townships, before they shall be entitled to the benefits of this act, to pay over all moneys collected during the lifetime of their warrants, as is now provided by law, and to renew their **Renewal of bonds.** official bonds to the satisfaction of the treasurer of said county.

Return of unpaid taxes. **Sec. 4.** A transcript of all unpaid taxes, returnable to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes for the year eighteen hundred and sixty-four, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take immediate effect.

Approved February 2, 1865.

[No. 25.]

AN ACT to extend the time for the collection of taxes in the townships of Grosse Point and Greenfield, in the county of Wayne, for the year one thousand eight hundred and sixty-four.

SECTION 1. *The People of the State of Michigan enact*, That the time for the collection of taxes in the townships of Grosse Point and Greenfield, in the county of Wayne, is hereby extended to the twentieth day of February next. Time extended.

Sec. 2. The treasurers of the townships of Grosse Point and Greenfield aforesaid, are hereby authorized and empowered to proceed and collect said taxes, in the same manner as during the lifetime of their warrants, and to make returns to the county treasurer on or before the twentieth day of February next, and the said warrants are hereby continued in full force, Power of treasurers. Warrants continued in force. for said purpose, until said time.

Sec. 3. It shall be the duty of the said treasurers of said townships, before they shall be entitled to the benefit of this act, to pay over all moneys collected by them during the lifetime of their warrants, as provided by law, and to renew their official bonds to the satisfaction of the treasurer of said county. Duty of treasurers. Renewal of bonds.

Sec. 4. A transcript of all unpaid taxes, returnable to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time, as other taxes for the year one thousand eight hundred and sixty-four, duly returned to the Auditor General for non-payment. Return of unpaid taxes.

Sec. 5. This act shall take immediate effect.

Approved February 2, 1865.

[No. 26.]

AN ACT to legalize the tax roll of the township of Sylvan, in the county of Washtenaw, for the year eighteen hundred and sixty-four, and to extend the time for the collection of taxes in the same.

**Tax roll is
legalized.** SECTION 1. *The People of the State of Michigan enact*, That the tax roll of the township of Sylvan, in the county of Washtenaw, for the year eighteen hundred and sixty-four, be and the same is hereby declared to be as valid and legal as though the supervisor of said township had been duly authorized by law to levy and assess, upon the taxable property of said township, the sum of fourteen hundred and eighty dollars, in a separate column on said roll, for the payment of said sum borrowed by the said township for the purpose of filling its quota under the draft ordered by the President of the United States on September fifth, one thousand eight hundred and sixty-four, and that the time for the collection of the taxes in said township for said year be and the same is hereby extended to the first Monday in March, eighteen hundred and sixty-five.

**Duty of
treasurer.** / Sec. 2. The treasurer of said township of Sylvan is hereby authorized and empowered to proceed and collect said taxes, and to make his returns on or before the first Monday in March, eighteen hundred and sixty five, and said warrant is hereby revived and continued in force until the said first Monday of March; and it shall be the duty of said treasurer, before he shall be entitled to the benefit of this act, to pay over to the county treasurer all such moneys as he may already have collected on account of county or State taxes, and to renew his official bond to the satisfaction of the treasurer of said county.

**Warrant
continued in
force.** Sec. 3. A transcript of all unpaid taxes, returnable to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes

**Renewal of
bond.**

**Return of
unpaid
taxes.**

eighteen hundred and sixty-four, duly returned to General for non-payment.

his act shall take immediate effect.

February 2, 1865.

[No. 27.]

to provide for the payment of bounties to volunteers in military and naval service of the United States.

§ 1. The People of the State of Michigan enact, That all be paid by the Quartermaster General of this State, ^{State bounty.} the continuance of the present war, to each volunteer of the rank of a commissioned officer, who shall, after the passage of this act, enlist and be mustered into the military or naval service of the United States, and shall be credited to any military sub-district of this State, a uniform State bounty, as follows:

First. To each volunteer who shall hereafter enlist and be ^{Amount} credited upon the quota assigned to any military sub-district of this State, under the last or any future call of the President of the United States for troops, the sum of one hundred and fifty dollars;

Second. To each volunteer for the term of three years, who shall hereafter enlist and be credited upon the quota assigned to any military sub-district of this State, under any future call of the President of the United States for troops, the sum of two hundred dollars in lieu of all other State bounties: *Provided*, That said State bounty shall not be paid by the Quartermaster General to any volunteer, unless,

First. He shall, if a resident of this State and enrolled, present the certificate of the provost marshal, or the affidavit of ^{When bounty not to be paid.} the enrolling officer of the military sub-district where he is enrolled, that he is credited to the township or ward in which he is enrolled; or unless,

Second. He shall, if a resident of the State and not enrolled, present his own affidavit, and the affidavit of the supervisor

or assessor of the township or ward to which he is credited, showing that at the time of his enlistment he was an actual resident of such township or ward; or unless,

Third. He shall, if a non-resident of the State, prove by his own affidavit, to the satisfaction of the Quartermaster General, the fact of such non-residence.

Duty of Q.
M. Gen'l.

Sec. 2. For the purpose of carrying out the provisions of this act, the Quartermaster General of this State is required to cause blanks to be prepared, similar to the pay-rolls used in the United States army, which shall exhibit the name, age and place of residence of each volunteer, time and place of enlistment, and the place of credit, with the date of payment and amount paid; and each volunteer receiving such bounty, shall subscribe his name to such roll in person, or by his legal assignee.

Local bounty to volunteers hereafter enlisted.

Sec. 3. Each township and city in this State is hereby authorized to pay a sum not exceeding one hundred dollars, as a local bounty, to each volunteer below the rank of a commissioned officer, who, since the nineteenth day of December, eighteen hundred and sixty-four, has enlisted and been mustered in, or shall, after the passage of this act, enlist and be mustered into the military or naval service of the United States, and shall be credited upon the quota assigned to such township or city, or to any ward thereof, under the call or proclamation of the nineteenth day of December, eighteen hundred and sixty-four, issued by the President of the United States, for three hundred thousand troops; and is also authorized to pay a sum not exceeding one hundred dollars, as a local bounty, to each volunteer below the rank of a commissioned officer, who shall hereafter, during the present rebellion, enlist and be mustered into said military or naval service, and be credited upon any quota that shall hereafter be assigned to such township, city or ward, or who shall be credited to such township, city or ward, in such a manner that he shall be credited upon the first quota that shall be thereafter assigned to such township, city or ward: *Provided*, That said local bounties shall be

Bounty to volunteers hereafter enlisting.

paid to such persons only as are mentioned in section four of this act, and to no other person or persons whomsoever.

Sec. 4. The local bounties authorized by this act shall be paid to the following classes of persons and to no others, viz: To whom bounty to be paid.

First. To volunteers, residents of this State, who shall be credited to the township, ward, or military sub-district, where they are enrolled at the time of their enlistment;

Second. To volunteers, residents of this State, who, not being enrolled in any military district, shall be credited to the township, city or ward, or military sub-district in which they actually resided at the time of their enlistment;

Third. To volunteers, not residents of this State, who shall be credited to a township, ward, or military sub-district in this State.

Sec. 5. For the purpose of paying the local bounties authorized by this act, the board of supervisors of each county is hereby authorized and directed, from time to time, to issue the bonds of such county, in convenient denominations, and place them in the hands of the county treasurer, to be delivered to the several townships, and to any city in said county, in such amounts as may be necessary, at the par value thereof, to enable such townships or city to pay the local bounties authorized by this act. Issue of bonds authorized.

Sec. 6. Said bonds shall be drawn in favor of the county treasurer, and signed by the chairman of the board of supervisors and county clerk, with the seal of the county affixed; and when indorsed by the county treasurer they shall be negotiable, and shall be made payable at the office of the county treasurer at such times, not exceeding ten years from the date thereof, as the board of supervisors shall direct, with interest How executed. not exceeding seven per cent. per annum, payable at the office of the county treasurer, on the first day in February of each year; and said bonds shall be numbered and registered by the county treasurer, and shall be charged by him to the township or city receiving the same. When payable.

Bonds to be
delivered to
townships
and cities.

Sec. 7. It shall be the duty of the township boards, and the common council of any city, in each county, to require of such county, from time to time, sufficient amounts of said county bonds to enable such township or city to pay the local bounties authorized by this act; and thereupon it shall be the duty of the county treasurer, when such bonds shall be required by a township, to deliver the same, upon the order of the township clerk, to the supervisor thereof, or to such other person as the township board shall designate; and when required by a city, to deliver the same upon the order of the recorder or city clerk to the city treasurer, or to such other person or persons as the common council shall designate; and such supervisor, city treasurer, or other designated person, receiving said bonds, shall use and apply the same, under the direction of the township board or common council, to the payment of such local bounties, provided for by this act, as said township board or common council shall direct.

How applied

Supervisor,
etc., to give
bond.

Sec. 8. Before any of said bonds shall be delivered to any supervisor, city treasurer, or other person designated as aforesaid to receive the same, and as often as he shall receive any such bonds, such supervisor, or other person, shall enter into a bond to such county, to be filed with the county treasurer, in a penal sum equal to twice the amount of such bonds delivered, with sureties, to be approved by the county treasurer, conditioned that such supervisor, city treasurer, or other designated person receiving said bonds, shall apply the same, or the proceeds thereof, to the payment of said local bounties, to such persons only as are authorized by this act to receive the same, and that he will faithfully discharge all the duties imposed upon him by this act.

Report of
supervisor,
etc.

Sec. 9. Every supervisor, city treasurer, or other person, receiving any of said bonds for the payment of bounties, as provided in this act, shall, on the first Monday of October in each year, and at such other times as the county treasurer shall direct, make and file with such county treasurer a report in writing, and on oath, showing the name, residence, and place

of enrollment, (if enrolled,) and time and place of enlistment of each volunteer to whom he shall have paid a local bounty, and the amount of bounty paid to such volunteer, and the township, city or ward for whose benefit such bounty was paid, and the amount of surplus, if any, of the bonds or proceeds thereof remaining in his hands undisposed of, which surplus shall be delivered to said county treasurer, on demand, to be credited to the proper township or city.

Contents thereof.

Sec. 10. The bonds issued in pursuance of the provisions of this act shall not be negotiated or disposed of by any supervisor, city treasurer, or other person designated to receive them as aforesaid, for less than their par value.

Bonds not to be sold for less than par.

Sec. 11. Whenever any of said county bonds shall have been received and used for the benefit of any township or city, or any ward in such city, there shall be raised, from time to time, by tax, upon the taxable property therein, such sum or sums as shall be necessary to pay the principal and interest of such bonds so used, as the same shall become due, which sum shall be assessed, collected and paid into the county treasury at the same time, and in the same manner, as moneys raised by tax for State and county purposes; and for that purpose the board of supervisors shall, at their annual session in October in each year, ascertain and determine the amount of money to be raised by tax from such township, and for such ward of said city, in said county, for the year, to pay such principal and interest, and the clerk of the board shall certify the amount so ascertained and determined to the county treasurer, and to the supervisor of such township, and to the proper city or ward officer, for assessment, in the same manner as State and county taxes are certified.

Tax for payment of bonds.

How assessed.

Sec. 12. No township, city or county shall, at any time hereafter, vote any tax, or sum of money, or to raise, or pay, or to secure the payment of any sum of money, nor shall any such township, city, or county, in any meeting of the electors thereof, or otherwise, pledge the faith or credit of such township, city or county, for the purpose of raising any sum of money

Municipalities not to raise money other than as herein provided.

for the payment of any bounty or gratuity, to induce any person to enlist in the military or naval service of the United States, except as in this act provided; all such votes, pledges, or undertakings, other than is herein authorized, shall be utterly void.

Penalty for
misuse of
bonds, etc.

Sec. 13. Any city or township officer, or other person, who shall use or apply any of the county bonds in this act authorized, or any of the proceeds thereof, or any moneys belonging to any city or township, contrary to the provisions of this act, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine not exceeding one thousand dollars, nor less than five hundred dollars, and by imprisonment in the county jail for a term not less than six months, nor more than one year, or by imprisonment in the State prison for a period not exceeding two years.

Acts re-
pealed.

Sec. 14. All acts and parts of acts contravening the provisions of this act are hereby repealed, saving all rights and obligations that have accrued thereunder.

Sec. 15. This act shall take immediate effect

Approved February 4, 1865.

[No. 28.]

AN ACT for creating and forming a twelfth judicial circuit.

Limits of
district.

SECTION 1. *The People of the State of Michigan enact*, That the counties of Ontonagon, Keweenaw, Houghton and Marquette, in the Upper Peninsula, shall, on and after the tenth day of March, A. D. eighteen hundred and sixty-five, be formed into and be one judicial circuit, to be known and designated as the twelfth judicial circuit.

Election of
judge.

Sec. 2. The qualified voters of the several counties mentioned in the first section of this act shall, on the first Monday in April in the year eighteen hundred and sixty-five, at the regular annual township meeting, to be held in the respective townships of said counties at that time, elect a circuit judge, who shall hold his office, commencing on the twentieth day of May,

eighteen hundred and sixty-five, and ending on the first day of January, eighteen hundred and seventy, and until his successor is elected and qualified.

Sec. 3. It shall be the duty of the sheriffs of the several counties mentioned in the first section of this act, at least fifteen days previous to the first Monday in April, A. D. eighteen hundred and sixty-five, to notify the township clerks of the several townships in their respective counties of the said election for circuit judge, and the township clerks shall post notices, in the usual manner, for such election, in their respective townships, at least five days previous to the day of the election.

Sec. 4. The election of judge for said circuit shall be conducted, and returns made, as is provided by law for the election of judges for the several judicial circuits of this State; and the State canvassers shall, without delay, on receipt of the certified statement of the votes given in the several counties, proceed to canvass said votes, and deliver to the person determined elected a copy of such determination, as required by law; and no person shall hold the office of judge of said judicial circuit unless he shall be a resident thereof.

Sec. 5. The judge of the twelfth judicial circuit shall hold the terms of court, in the several counties mentioned in the first section of this act, for the year eighteen hundred and sixty-five, at the times heretobefore fixed for the same, and shall have jurisdiction in all judgments, decrees, records, files, books, papers, suits, prosecutions, causes and proceedings then being and pending in the circuit court for said counties.

Sec. 6. All acts and parts of acts, contravening the provisions of this act, are hereby repealed.

Sec. 7. This act shall take immediate effect.

Approved February 4, 1865.

[No. 24.]

AN ACT to extend the time for the collection of taxes in the townships of Monroe, Summerfield, Bedford and Ida, in the county of Monroe.

SECTION 1. *The People of the State of Michigan enact,* That the **Time extended.** time for collection of taxes in the townships of Monroe, Summerfield, Bedford and Ida, in the county of Monroe, for the year eighteen hundred and sixty-four, be and the same is hereby extended until the first day of March, one thousand eight hundred and sixty-five.

Power of treasurers. **Sec. 2.** The treasurers of the said townships are hereby authorized and empowered to proceed and collect said taxes as fully as they could in the lifetime of their warrants, and to make returns at any time before the first day of March next, and said warrants are hereby revived and continued in full **Warrants continued in force.** force and virtue, for the purpose aforesaid, until the first day of March next.

Duty of treasurers. **Sec. 3.** It shall be the duty of the treasurers of the said townships, before they shall be entitled to the benefits of this act, to pay over all moneys collected during the lifetime of their warrants, as is now provided by law, and to renew their **Renewal of bonds.** official bonds to the satisfaction of the treasurer of said county.

Return of unpaid taxes. **Sec. 4.** A transcript of all unpaid taxes, returnable to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes for the year eighteen hundred and sixty-four, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take immediate effect.

Approved February 2, 1865.

[No. 25.]

AN ACT to extend the time for the collection of taxes in the townships of Grosse Point and Greenfield, in the county of Wayne, for the year one thousand eight hundred and sixty-four.

SECTION 1. *The People of the State of Michigan enact*, That the time for the collection of taxes in the townships of Grosse Point and Greenfield, in the county of Wayne, is hereby extended to the twentieth day of February next.

Sec. 2. The treasurers of the townships of Grosse Point and Greenfield aforesaid, are hereby authorized and empowered to proceed and collect said taxes, in the same manner as during the lifetime of their warrants, and to make returns to the county treasurer on or before the twentieth day of February next, and the said warrants are hereby continued in full force, for said purpose, until said time.

Sec. 3. It shall be the duty of the said treasurers of said townships, before they shall be entitled to the benefit of this act, to pay over all moneys collected by them during the lifetime of their warrants, as provided by law, and to renew their official bonds to the satisfaction of the treasurer of said county.

Sec. 4. A transcript of all unpaid taxes, returnable to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time, as other taxes for the year one thousand eight hundred and sixty-four, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take immediate effect.

Approved February 2, 1865.

[No. 26.]

AN ACT to legalize the tax roll of the township of the county of Washtenaw, for the year eighteen hundred and sixty-four, and to extend the time for the collection of the taxes in the same.

SECTION 1. *The People of the State of Michigan en-*
gaged. the tax roll of the township of Sylvan, in the county of Washtenaw, for the year eighteen hundred and sixty-four, the same is hereby declared to be as valid and legal as the supervisor of said township had been duly authorized by law to levy and assess, upon the taxable property of said township, the sum of fourteen hundred and eighty dollars, to be paid in a separate column on said roll, for the payment of said sum borrowed by the said township for the purpose of filling its gap under the draft ordered by the President of the United States on September fifth, one thousand eight hundred and sixty-four, and that the time for the collection of the taxes in said township for said year be and the same is hereby extended to the first Monday in March, eighteen hundred and sixty-five.

Time for collection extended. **Sec. 2.** The treasurer of said township of Sylvan is hereby authorized and empowered to proceed and collect said taxes, and to make his returns on or before the first Monday in March, eighteen hundred and sixty five, and said warrant is hereby revived and continued in force until the said first Monday of March; and it shall be the duty of said treasurer, before he shall be entitled to the benefit of this act, to pay over to the county treasurer all such moneys as he may already have collected on account of county or State taxes, and to renew his official bond to the satisfaction of the treasurer of said county.

Warrant continued in force. **Sec. 3.** A transcript of all unpaid taxes, returnable to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes.

Duty of treasurer.

Renewal of bond.

Return of unpaid taxes.

for the year eighteen hundred and sixty-four, duly returned to the Auditor General for non-payment.

Sec. 4. This act shall take immediate effect.

Approved February 2, 1865.

[No. 27.]

AN ACT to provide for the payment of bounties to volunteers in the military and naval service of the United States.

SECTION 1. *The People of the State of Michigan enact, That* there shall be paid by the Quartermaster General of this State, ^{State bounty.} during the continuance of the present war, to each volunteer below the rank of a commissioned officer, who shall, after the passage of this act, enlist and be mustered into the military or naval service of the United States, and shall be credited to any military sub district of this State, a uniform State bounty, as follows:

First. To each volunteer who shall hereafter enlist and be ^{Amount.} credited upon the quota assigned to any military sub-district of this State, under the last or any future call of the President of the United States for troops, the sum of one hundred and fifty dollars;

Second. To each volunteer for the term of three years, who shall hereafter enlist and be credited upon the quota assigned to any military sub-district of this State, under any future call of the President of the United States for troops, the sum of two hundred dollars in lieu of all other State bounties: *Provided,* That said State bounty shall not be paid by the Quartermaster General to any volunteer, unless,

First. He shall, if a resident of this State and enrolled, present the certificate of the provost marshal, or the affidavit of ^{When bounty not to be paid.} the enrolling officer of the military sub-district where he is enrolled, that he is credited to the township or ward in which he is enrolled; or unless,

Second. He shall, if a resident of the State and not enrolled, present his own affidavit, and the affidavit of the supervisor

or assessor of the township or ward to which he is credited, showing that at the time of his enlistment he was an actual resident of such township or ward; or unless,

Third. He shall, if a non-resident of the State, prove by his own affidavit, to the satisfaction of the Quartermaster General, the fact of such non-residence.

Duty of Q.
M. Gen'l.

Sec. 2. For the purpose of carrying out the provisions of this act, the Quartermaster General of this State is required to cause blanks to be prepared, similar to the pay-rolls used in the United States army, which shall exhibit the name, age and place of residence of each volunteer, time and place of enlistment, and the place of credit, with the date of payment and amount paid; and each volunteer receiving such bounty, shall subscribe his name to such roll in person, or by his legal assignee.

Local bounty to volunteers here-
tofore enlisted.

Sec. 3. Each township and city in this State is hereby authorized to pay a sum not exceeding one hundred dollars, as a local bounty, to each volunteer below the rank of a commissioned officer, who, since the nineteenth day of December, eighteen hundred and sixty-four, has enlisted and been mustered in, or shall, after the passage of this act, enlist and be mustered into the military or naval service of the United States, and shall be credited upon the quota assigned to such township or city, or to any ward thereof, under the call or proclamation of the nineteenth day of December, eighteen hundred and sixty-four, issued by the President of the United States, for three hundred thousand troops; and is also authorized to pay a sum not exceeding one hundred dollars, as a local bounty, to each volunteer below the rank of a commissioned officer, who shall hereafter, during the present rebellion, enlist and be mustered into said military or naval service, and be credited upon any quota that shall hereafter be assigned to such township, city or ward, or who shall be credited to such township, city or ward, in such a manner that he shall be credited upon the first quota that shall be thereafter assigned to such township, city or ward: *Provided*, That said local bounties shall be

Bounty to
volunteers
hereafter
enlisting.

paid to such persons only as are mentioned in section four of this act, and to no other person or persons whomsoever.

Sec. 4. The local bounties authorized by this act shall be paid to the following classes of persons and to no others, viz: To whom bounty to be paid.

First. To volunteers, residents of this State, who shall be credited to the township, ward, or military sub-district, where they are enrolled at the time of their enlistment;

Second. To volunteers, residents of this State, who, not being enrolled in any military district, shall be credited to the township, city or ward, or military sub-district in which they actually resided at the time of their enlistment;

Third. To volunteers, not residents of this State, who shall be credited to a township, ward, or military sub-district in this State.

Sec. 5. For the purpose of paying the local bounties authorized by this act, the board of supervisors of each county is hereby authorized and directed, from time to time, to issue the bonds of such county, in convenient denominations, and place them in the hands of the county treasurer, to be delivered to the several townships, and to any city in said county, in such amounts as may be necessary, at the par value thereof, to enable such townships or city to pay the local bounties authorized by this act. Issue of bonds authorized.

Sec. 6. Said bonds shall be drawn in favor of the county treasurer, and signed by the chairman of the board of supervisors and county clerk, with the seal of the county affixed; and when indorsed by the county treasurer they shall be negotiable, and shall be made payable at the office of the county treasurer at such times, not exceeding ten years from the date thereof, as the board of supervisors shall direct, with interest How executed. not exceeding seven per cent. per annum, payable at the office of the county treasurer, on the first day in February of each year; and said bonds shall be numbered and registered by the county treasurer, and shall be charged by him to the township or city receiving the same. When payable.

Bonds to be
delivered to
townships
and cities.

Sec. 7. It shall be the duty of the township boards, and the common council of any city, in each county, to require of such county, from time to time, sufficient amounts of said county bonds to enable such township or city to pay the local bounties authorized by this act; and thereupon it shall be the duty of the county treasurer, when such bonds shall be required by a township, to deliver the same, upon the order of the township clerk, to the supervisor thereof, or to such other person as the township board shall designate; and when required by a city, to deliver the same upon the order of the recorder or city clerk to the city treasurer, or to such other person or persons as the common council shall designate; and such supervisor, city treasurer, or other designated person, receiving said bonds,

How applied

shall use and apply the same, under the direction of the township board or common council, to the payment of such local bounties, provided for by this act, as said township board or common council shall direct.

Supervisor,
etc., to give
bond.

Sec. 8. Before any of said bonds shall be delivered to any supervisor, city treasurer, or other person designated as afore-said to receive the same, and as often as he shall receive any such bonds, such supervisor, or other person, shall enter into a bond to such county, to be filed with the county treasurer, in a penal sum equal to twice the amount of such bonds delivered, with sureties, to be approved by the county treasurer, conditioned that such supervisor, city treasurer, or other designated person receiving said bonds, shall apply the same, or the proceeds thereof, to the payment of said local bounties, to such persons only as are authorized by this act to receive the same, and that he will faithfully discharge all the duties imposed upon him by this act.

Report of
supervisor,
etc.

Sec. 9. Every supervisor, city treasurer, or other person, receiving any of said bonds for the payment of bounties, as provided in this act, shall, on the first Monday of October in each year, and at such other times as the county treasurer shall direct, make and file with such county treasurer a report in writing, and on oath, showing the name, residence, and place

of enrollment, (if enrolled,) and time and place of enlistment of each volunteer to whom he shall have paid a local bounty, and the amount of bounty paid to such volunteer, and the township, city or ward for whose benefit such bounty was paid, and the amount of surplus, if any, of the bonds or proceeds thereof remaining in his hands undisposed of, which surplus shall be delivered to said county treasurer, on demand, to be credited to the proper township or city.

Contents thereof.

Sec. 10. The bonds issued in pursuance of the provisions of this act shall not be negotiated or disposed of by any supervisor, city treasurer, or other person designated to receive them as aforesaid, for less than their par value.

Bonds not to be sold for less than par.

Sec. 11. Whenever any of said county bonds shall have been received and used for the benefit of any township or city, or any ward in such city, there shall be raised, from time to time, by tax, upon the taxable property therein, such sum or sums as shall be necessary to pay the principal and interest of such bonds so used, as the same shall become due, which sum shall be assessed, collected and paid into the county treasury at the same time, and in the same manner, as moneys raised by tax for State and county purposes; and for that purpose the board of supervisors shall, at their annual session in October in each year, ascertain and determine the amount of money to be raised by tax from such township, and for such ward of said city, in said county, for the year, to pay such principal and interest, and the clerk of the board shall certify the amount so ascertained and determined to the county treasurer, and to the supervisor of such township, and to the proper city or ward officer, for assessment, in the same manner as State and county taxes are certified.

Tax for payment of bonds.

How assessed.

Sec. 12. No township, city or county shall, at any time hereafter, vote any tax, or sum of money, or to raise, or pay, or to secure the payment of any sum of money, nor shall any such township, city, or county, in any meeting of the electors thereof, or otherwise, pledge the faith or credit of such township, city or county, for the purpose of raising any sum of money

Municipalities not to raise money other than as herein provided.

for the payment of any salary or gratuity, to induce any person to enlist in the military or naval service of the United States, except as in this act provided; all such votes, pledges, or undertakings, other than is herein authorized, shall be utterly void.

Penalty for
misuse of
bonds, etc.

Sec. 13. Any city or township officer, or other person, who shall use or apply any of the county bonds in this act authorized, or any of the proceeds thereof, or any moneys belonging to any city or township, contrary to the provisions of this act, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine not exceeding one thousand dollars, nor less than five hundred dollars, and by imprisonment in the county jail for a term not less than six months, nor more than one year, or by imprisonment in the State prison for a period not exceeding two years.

Acts re-
pealed.

Sec. 14. All acts and parts of acts contravening the provisions of this act are hereby repealed, saving all rights and obligations that have accrued thereunder.

Sec. 15. This act shall take immediate effect

Approved February 4, 1865.

[No. 28.]

AN ACT for creating and forming a twelfth judicial circuit.

Limits of
district.

SECTION 1. *The People of the State of Michigan enact*, That the counties of Ontonagon, Keweenaw, Houghton and Marquette, in the Upper Peninsula, shall, on and after the tenth day of March, A. D. eighteen hundred and sixty-five, be formed into and be one judicial circuit, to be known and designated as the twelfth judicial circuit.

Election of
judge.

Sec. 2. The qualified voters of the several counties mentioned in the first section of this act shall, on the first Monday in April in the year eighteen hundred and sixty-five, at the regular annual township meeting, to be held in the respective townships of said counties at that time, elect a circuit judge, who shall hold his office, commencing on the twentieth day of May,

eighteen hundred and sixty-five, and ending on the first day of ^{Term of} January, eighteen hundred and seventy, and until his suc- ^{office.}cessor is elected and qualified.

Sec. 3. It shall be the duty of the sheriffs of the several ^{Notice of} counties mentioned in the first section of this act, at least five- ^{election.}teen days previous to the first Monday in April, A. D. eighteen hundred and sixty-five, to notify the township clerks of the several townships in their respective counties of the said election for circuit judge, and the township clerks shall post notices, in the usual manner, for such election, in their respective townships, at least five days previous to the day of the election.

Sec. 4. The election of judge for said circuit shall be con- ^{Election,} ducted, and returns made, as is provided by law for the election ^{how con-} of judges for the several judicial circuits of this State; and the ^{ducted.} State canvassers shall, without delay, on receipt of the certified statement of the votes given in the several counties, proceed to canvass said votes, and deliver to the person determined elected a copy of such determination, as required by law; and ^{Only resi-} no person shall hold the office of judge of said judicial circuit ^{dents to} unless he shall be a resident thereof. ^{hold office.}

Sec. 5. The judge of the twelfth judicial circuit shall hold the ^{Terms and} terms of court, in the several counties mentioned in the first ^{jurisdiction.} section of this act, for the year eighteen hundred and sixty-five, at the times heretofore fixed for the same, and shall have jurisdiction in all judgments, decrees, records, files, books, papers, suits, prosecutions, causes and proceedings then being and pending in the circuit court for said counties.

Sec. 6. All acts and parts of acts, contravening the provisions of this act, are hereby repealed.

Sec. 7. This act shall take immediate effect.

Approved February 4, 1865.

[No. 29.]

AN ACT to authorize the formation of stage companies.

Formation authorized SECTION 1. *The People of the State of Michigan enact, That* corporations for the purpose of conveying passengers, mails and merchandise, with carriages, wagons, sleighs, or other vehicles, over any defined route, may be formed under the provisions of an act entitled "an act to authorize the formation of corporations for mining, smelting or manufacturing iron, copper, mineral coal, silver, or other ores or minerals, and for other manufacturing purposes," approved February fifth, A. D. eighteen hundred and fifty-three, and shall have and possess all the rights, and be subject to all the liabilities, provided in said act and the acts amendatory thereof.

Powers of

Route and location of line to be as stated in articles. Sec. 2. The route on which it is proposed to carry mails, passengers and merchandise, and the place or office in this State which shall be known as the business office of such company, shall be stated in the articles of association; and the capital stock in every such corporation shall in no case be less than five thousand dollars nor more than two hundred thousand dollars, and shall be divided into shares of twenty-five dollars each: *Provided, That* the articles of association of any such corporation may at any time be amended by a vote of two thirds of the stock, at any regularly called meeting of the stockholders.

Capital.

Amendment of articles.

Mining companies may take stock. Sec. 3 It shall be lawful for any mining, smelting, or other corporation in this State, to take stock in any such company, and the amount of its capital so subscribed and paid out shall, for the purposes of taxation, be deducted from the capital stock of such corporation, and shall be taxed only as the capital of such stage company; and the president and secretary of every such company taking stock in any such stage company, shall make return to the State Treasurer, the same as in cases of stock taken in any plank road company.

Stockholders liable for debts of the company. Sec. 4. The stockholders of all stage companies and associations formed in pursuance of the provisions of this act, shall be jointly and severally liable to the amount of the capital.

stock owned by them, and to the amount of all sums drawn out of such company by them respectively, as dividends or profits, for the debts of such company or association, and for all damages for which such association or company shall be liable, by reason of any failure or neglect on the part of such company or association to perform its duty as a common carrier; and every such company or association, receiving persons or property for transportation, shall be entitled to the same rights, and subject to the same liabilities, as common carriers, and shall not be suffered in any way to lessen or abridge their common law liability as such common carriers; and when two or more such companies or associations are connected by running arrangements, any company owning either of said lines, receiving goods or property to be transported by agreement to any place on the line traversed by the coaches or vehicles of either of said companies so connected, shall be liable, as common carriers, for the delivery of such goods or property at such place: *Provided always*, That no claim for any debt, demand or damages, for the payment of which every such company or association shall be liable, shall be enforced against any stockholders, until after an execution therefor, against such company or association, shall be returned unsatisfied: *And provided further*, That if any stockholder shall be compelled to pay the demands of any person, or any part thereof, such stockholder shall have the right to call upon all the stockholders to contribute their part of the sum so paid as aforesaid, and may sue them jointly or severally, or any number of them, and recover in such action the ratable amount due from the stockholder or stockholders so sued.

Rights and liabilities.

Common carriers.

How liabilities enforced.

Sec. 5. Every stage company or association shall annually, in the month of July, make a report, conforming in all respects to the requirements of section eighteen hundred and three of the compiled laws, one copy of which report shall be filed in said month in the office of the county clerk of each of the organized counties in which such company shall be doing business, or through which its lines shall run.

Annual report.

Service of
process.

Sec. 6. Service of legal process against any such company or association may, in addition to all other methods of service of such process on corporations, as provided by law, be made on the driver of any coach or other vehicle of such company or association.

Companies
liable to tax

Sec. 7. That all corporations formed under the provisions of this act, for the formation of stage corporations, shall be liable to be assessed upon all real and personal estate held by them in this State at its true value, and shall pay thereon taxes for township, county and State purposes, the same as other real and personal estate, and such taxes shall be assessed, collected and paid in the same manner as other taxes on real and personal estate are required to be assessed, collected and paid.

Approved February 9, 1865.

[No. 30.]

AN ACT to extend the time for the collection of State and county taxes in the city of Detroit.

Time ex-
tended.

SECTION 1. *The People of the State of Michigan enact, That the time for the collection of State and county taxes in the city of Detroit, in the county of Wayne, for the year eighteen hundred and sixty-four, be and the same is hereby extended to the first day of March, eighteen hundred and sixty-five.*

Power of
collectors

Sec. 2. The collectors of the several wards in said city of Detroit are hereby authorized and empowered to proceed and collect said taxes as fully as they could in the lifetime of their warrants, and to make returns at any time before the first day of March next, and said warrants are hereby revived and continued in full force and virtue, for the purpose aforesaid, until the first day of March next.

Warrants
continued
in force.

Duty of col-
lectors.

Sec. 3. It shall be the duty of the collectors of said wards, before they shall be entitled to the benefits of this act, to pay over all moneys collected during the lifetime of their warrants, as is now provided by law, and to renew their official bonds to the satisfaction of the treasurer of said county.

Renewal of
bonds.

Sec. 4. A transcript of all unpaid taxes, returnable to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes for the year eighteen hundred and sixty-four, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take immediate effect.

Approved February 9, 1865.

[No. 31.]

AN ACT to authorize the State Treasurer to burn and destroy the notes of the late Government Stock Bank of Ann Arbor, now remaining in his office, and the notes of other banks in like condition.

SECTION 1. *The People of the State of Michigan enact*, That the State Treasurer, in the presence of the Secretary of State, be and he hereby is authorized and instructed to burn and destroy all the notes of the late Government Stock Bank, now remaining in his office.

Sec. 2. In case any of the banks in this State, doing business under the general banking law, shall fail to redeem their notes, and the same shall be redeemed by the State Treasurer, under the provisions of section fourteen of the general banking law, the said treasurer, in the presence of the Secretary of State, is hereby authorized and instructed to burn and destroy all such notes so redeemed by him.

Sec. 3. This act shall take immediate effect.

Approved February 10, 1865.

[No. 32.]

AN ACT to authorize school district number two, of the township of Lawrence, in the county of Van Buren, to issue bonds.

Issue of
bonds au-
thorized.

Proviso.

SECTION 1. *The People of the State of Michigan enact, That the district board of school district number two, of the township of Lawrence, in the county of Van Buren, be and the same is hereby authorized to issue and negotiate the bonds of said district, in such sums, and for such amounts, not exceeding eight thousand dollars, and drawing not exceeding ten per cent. interest, as said school district shall, at any annual or special meeting, direct, by a majority vote of the legal voters of said district there assembled: Provided, That the meeting at which said bonds shall be authorized shall be called in the same manner as now provided by law.*

Sec. 2. This act shall take immediate effect.

Approved February 10, 1865.

[No. 33.]

AN ACT to amend section nine hundred and seventy-nine of the compiled laws, relative to duties upon sales at auction.

Section
amended.

When chat-
tels exempt
from auc't'n
duties.

SECTION 1. *The People of the State of Michigan enact, That section nine hundred and seventy-nine of the compiled laws be amended so as to read as follows:*

(979.) Sec. 32. Goods and chattels, otherwise liable to auction duties, shall be exempt therefrom if sold under the following circumstances:

First. If they shall belong to the United States or this State;

Second. If they shall be sold in pursuance of any judgment, order or decree of any court of law or equity, or under any seizure or distress by any public officer;

Third. If they shall belong to an estate of a deceased person, and be sold by his executors or administrators, or by any other person duly authorized by any judge of probate;

Fourth. If they shall be the effects of a bankrupt or insolvent, and be sold by his assignee, appointed pursuant to law, or by a,

general assignment for the benefit of the creditors of such bankrupt or insolvent;

Fifth. If they shall be sold at any fair, or other exhibition, the entire proceeds of which are devoted to any association organized for charitable or benevolent purposes, or for the relief of sick and wounded soldiers, or the families of such soldiers.

Approved February 10, 1865.

[No. 34.]

AN ACT to authorize any of the towns of the counties of Oakland and Macomb to pledge their credit to aid in the construction of a railroad from Ridgeway, on the Grand Trunk railway, to some point on the Detroit and Milwaukee railroad.

SECTION 1. *The People of the State of Michigan enact,* That it shall and may be lawful for any of the towns in the counties of Oakland and Macomb, to loan or donate money to any company that is now or may be hereafter organized, for the purpose of constructing a railroad from Ridgeway, in the county of Macomb, on the Grand Trunk railroad, to some point in the county of Oakland, on the Detroit and Milwaukee railroad; but the outstanding liability and indebtedness to be incurred for such purpose shall not, at any time, exceed five per centum of the assessed valuation of the real and personal property, for the time being, of any of the said townships in the counties of Oakland and Macomb, or either of them: *Provided,* That the electors in any of said townships, at a meeting called for that purpose, shall so determine, by a majority of the legal voters of the township, by ballot.

Sec. 2. It shall be the duty of the supervisor of each or any of said townships, upon the written request of thirty of the electors of said township, to call a meeting of the electors thereof, for the purpose of submitting the question of making such loan or donation to said company, notice thereof to be

given by posting of handbills in any such township, ten days prior to said meeting, in at least six public places in such town, and the advertisement of the same in a newspaper published in the county in which such township is situated, for three weeks next prior to such meeting.

Pledge of
credit au-
thorized.

Sec. 3. If the electors of any such township shall, at such meeting, determine to make such loan or donation, and the amount thereof, it shall be the duty of the township board of said township, voting to make such loan or donation, and they shall have power, to pledge the credit of the township, to raise money to make such loan or donation, at an interest not exceeding seven per centum per annum, and for a period not exceeding ten years, and may issue the bonds of the township therefor: *Provided*, That the amount of bonds which shall fall due in any one year shall not exceed two per centum of the assessed valuation of such township at the time of issuing the same.

Issue of
bonds.

Proviso.

Tax for pay-
ment of
principal
and interest

Sec. 4. In case any such township shall so decide to aid in the construction of said railroad, either by loan or donation, it shall be the duty of the supervisor thereof to assess all necessary taxes that may be required to meet the interest and the

When bonds
etc., to be
delivered to
company.

principal of any indebtedness thereby incurred: *Provided*, No bonds, or other evidences of debt, shall be issued under the provisions of this act, or the money arising from the sale of the same, or money raised by loan or tax, shall be paid over by the board of any township, to or for any railroad company, until the ties are delivered on the line of said road, and the road bed thereof, including all bridges, culverts, cattle-guards, and road crossings, in any such township, or adjoining the same, are fully completed, ready for the iron: *Provided further*, That no such bonds, or other evidences of debt, shall be sold for less than their par value by the representatives of the municipality issuing the same.

Bonds not to
be sold for
less than
par.

Route of
road.

Sec. 5. The said company shall have the right to vary the route of their road, from the village of Romeo, east to the

the Grand Trunk railroad, either to the Baltimore, Utica, or Mt. Clemens station.

Approved February 10, 1865.

[No. 35.]

AN ACT to amend section seven, of chapter one hundred and sixty-six, of the compiled laws, relative to the punishment of fraudulent debtors.

SECTION 1. *The People of the State of Michigan enact, That* section seven, of chapter one hundred and sixty-six, of the compiled laws, be amended so as to read as follows:

Sec. 7. On the person so arrested being brought before such officer, he may controvert any of the facts and circumstances on which such warrant issued, and may, at his option, verify his allegations by his own affidavit; and in case of his so verifying the same, the complainant may examine such defendant on oath, touching any fact or circumstance material to the inquiry, and the answers of the defendant on such examination shall be reduced to writing, and subscribed by him; and the officer conducting such inquiry shall also receive such other proofs as the parties may offer, either at the time of such first appearance, or at such other time as such hearing shall be adjourned to; and in case of an adjournment, such officer may take a recognizance, with suréty, from the defendant, for his appearance at the adjourned meeting, and conditioned that said defendant will not meanwhile secrete, destroy, dispose of, or in any manner make way with, or put out of his possession, any of his property not exempt from sale on execution; and in case the said defendant shall refuse to enter into such recognizance, he shall be committed to the county jail, and there to remain until such time as the said hearing shall have been adjourned to, or until he shall give the bond hereinbefore provided.

Section amended.

Person arrested may controvert facts on which warrant issued.

Sec. 2. This act shall take immediate effect.

Approved February 10, 1865.

[No. 36.]

AN ACT to authorize the board of supervisors of the county of Ontonagon to raise money, by tax or otherwise, for the protection and improvement of the harbor at the mouth of the Ontonagon river.

SECTION 1. *The People of the State of Michigan enact, That the*
board of supervisors of the county of Ontonagon be and are
hereby authorized and empowered to raise the sum of fifty
thousand dollars, for the purpose of protecting and improving
the harbor at the mouth of the Ontonagon river, by a county
tax, to be assessed and collected on the taxable property of the
county, or by borrowing that sum on the county bonds of the
county, drawing not to exceed ten per cent. annual interest,
and payable within ten years, and pledging the property of
the county for the payment of the principal and interest; and
if the bonds are issued, and the money received for the pur-
pose aforesaid, it shall be the duty of the board of supervisors
to levy and collect, by tax, a sufficient sum annually to pay the
principal and interest on said bonds, and a pro rata portion of the principal
each year, so that the whole amount of bonds issued shall be
paid at the expiration of ten years.

SEC. 2. The said board of supervisors are hereby authorized and empowered to raise said amount of fifty thousand dollars, by tax, or on the bonds of the county, as provided in section one of this act, in such sums, and at such times, as the same may be required for the work on said harbor.

SEC. 3. This act shall take immediate effect.

Approved February 10, 1865.

[No. 37.]

AN ACT to authorize fractional school district number three, of the townships of Sidney, Evergreen, Ferris and Douglass, in the county of Montcalm, to issue bonds.

SECTION 1. *The People of the State of Michigan enact, That the*
district board of fractional school district number three, situ-
ated in the townships of Sidney, Evergreen, Ferris and Doug-

lass, in the county of Montcalm, be and the same is hereby authorized to issue and negotiate the bonds of said district, in such sums, and for such amounts, not exceeding one thousand dollars, and drawing not exceeding ten per cent. interest, as said fractional school district shall, at any annual or special meeting, direct, by a majority vote of the legal voters of said fractional district there assembled: *Provided*, That the meeting *Provide*. at which said bonds shall be authorized shall be called in the same manner now provided by law.

Sec. 2. This act shall take immediate effect.

Approved February 10, 1865.

[No. 38.]

AN ACT to amend section five hundred and seventy-nine of the compiled laws, being section eighty-seven, of chapter twelve, requiring overseers of highways to give bond in a sum double the amount of money that shall come into their hands.

SECTION 1. *The People of the State of Michigan enact*, That section five hundred and seventy-nine of the compiled laws, being *Section amended.* section eighty-seven, of chapter twelve, be and the same is hereby amended so as to read as follows:

Sec. 87. Each of the said commissioners and overseers of *Bond of commissioners and overseers.* highways, before entering upon the duties of his office, and within the time limited by law for filing his official oath, shall give bond, to be determined by the commissioners of highways, with one or more sufficient sureties, to the township, in the penal sum of five hundred dollars in the former, and in a sum double the amount of money that shall come into his hands in the latter case, as such overseer, to be approved by the supervisor or township clerk, conditioned for the faithful performance of the duties of his office, and the faithful disbursement of all money that may come into his hands by virtue of his office: *Provide*. *Provided*, In the case of overseer of highways, the township board shall signify, in writing, and prescribe therein the amount

of the penalty of such bonds, with one or more sufficient sureties.

Sec. 2. This act shall take immediate effect.

Approved February 10, 1865.

[No. 39.]

AN ACT to amend section fifteen, of chapter twenty-one, of the compiled laws, relative to the duties of overseers of highways.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section fifteen, of chapter twenty-one, of the compiled laws, be amended so as to read as follows:

List of non-
resident
land, etc., to
be made.

Sec. 15. Every overseer of highways shall, on or before the first Monday of October, in each year, make out and deliver to the supervisor of his township, a list of all the lands of non-residents, and of persons unknown, which are taxed upon his list, on which the labor assessed has not been paid, and the amount of labor unpaid; also all lands assessed as resident, upon which the highway labor cannot be collected; and said overseer shall make and subscribe an affidavit thereon, before some person competent to administer oaths, or before the supervisor, that the labor assessed upon the lands so returned has not been performed and remains unpaid.

Approved February 10, 1865.

[No. 40.]

AN ACT to change the name of Truman W. Willey, of the town of Ray, in the county of Macomb, to Truman Gass.

Name
changed.

SECTION 1. *The People of the State of Michigan enact*, That the name of Truman W. Willey, of the town of Ray, in the county of Macomb, and State of Michigan, be and the same is hereby changed to Truman Gass.

Sec. 2. This act shall take immediate effect.

Approved February 10, 1865.

[No. 41.]

AN ACT to provide for the payment of the officers and members of the Legislature, for the year eighteen hundred and sixty-five.

SECTION 1. *The People of the State of Michigan enact*, That there be and hereby is appropriated, out of any money in the treasury to the credit of the general fund, a sum not exceeding ^{Appropriation.} forty thousand dollars, for the payment of the officers and members of the Legislature, for the present session.

Sec. 2. The compensation of the President and members of ^{Compensation of members.} the Senate, and of the Speaker and members of the House of Representatives, shall be three dollars per day each, for actual attendance, and when absent on account of sickness, during the present session of the Legislature, and ten cents for every mile ^{Mileage.} actually traveled in going to and returning from the place of meeting, on the usually traveled route; and to the members of the Senate and House of Representatives from the Upper Peninsula, two dollars per day each additional, during this session of the Legislature. Each member of the Senate and the ^{Stationery.} House of Representatives shall be entitled to receive five dollars for stationery and newspapers. The compensation of the Secretary of the Senate, and of the Clerk of the House of Representatives, shall be three dollars a day each, for actual attendance during the session, and ten cents for every mile actually traveled in going to and returning from the place of meeting, on the usually traveled route. The compensation of ^{Officers.} the Engrossing and Enrolling Clerk, and Sergeant-at-Arms, of the Senate, and their authorized assistants, and of the Engrossing and Enrolling Clerk, and Sergeant-at-Arms, of the House of Representatives, and their authorized assistants, and the clerks employed with the consent of the Senate or House of Representatives by any of the standing or special committees of either of said houses, shall be three dollars a day each for actual attendance during the session. The compensation of ^{Firemen.} the firemen of the Senate and House of Representatives, and their authorized assistants, shall be three dollars per day; and

Messengers that of the messenger boys two dollars per day, for the time actually employed in attendance during the session.

Certificate of dues, by whom signed.

Sec. 3. Such sums as may be due, under the provisions of this act, to the Secretary of the Senate and the Clerk of the House of Representatives, shall be certified by the presiding officers of the respective houses, and countersigned by the Auditor General; and such sums as may be due the President of the Senate and Speaker of the House of Representatives, shall be certified by the Secretary or Clerk of the respective houses, and countersigned by the Auditor General; and such sums as may be due to the members and other officers of either house, shall be certified by the Secretary or Clerk, and countersigned by the presiding officer of the respective houses; and the State Treasurer, upon the presentation of any such certificate, countersigned as provided in this section, is hereby authorized and directed to pay the same.

Payment thereof.

Sec. 4. This act shall take immediate effect.

Approved February 10, 1865.

[No. 42.]

AN ACT to authorize the Governor of this State to convey certain lands.

Governor authorized to convey.

SECTION 1. *The People of the State of Michigan enact, That the Governor of this State be and he is hereby authorized to convey, by deed of release, to Harvey Jones, of Wakeshma, in the county of Kalamazoo, in this State, the following described* lands, to wit: the east half of the south-east quarter of section fifteen, in township four south, of range nine west, being in said county of Kalamazoo, and the same lands heretofore conveyed by deed by Maline W. Hobart and Eunice L., his wife, of Potter, in the county of Yates, and State of New York, of the first part, to Alpheus Felch, Governor of Michigan, and his successors in office, forever, in trust for a certain band of Indians residing in Calhoun county, Michigan, of which band of Indians Maguago was chief, upon satisfactory proof being forwarded to

Description.

Proof.

the Governor that such Indians have consented thereto, and that said Harvey Jones has paid, or shall pay, the persons entitled thereto a just compensation for such lands, which conveyance shall pass to the said Harvey Jones all the right, title and interest therein now held by the State, by virtue of the conveyance made to the Governor, as aforesaid: *Provided*, The *Proviso* transfer to said Harvey Jones does not conflict with the provisions of the deed of trust from said Hobart and wife.

Sec. 2. This act shall take immediate effect.

Approved February 10, 1865.

[No. 43.]

AN ACT making appropriation to pay the arrearages of the State Reform School, for the years eighteen hundred and sixty-three and eighteen hundred and sixty-four.

SECTION 1. *The People of the State of Michigan enact*, That the sum of fourteen thousand dollars be and the same is hereby appropriated, out of the general fund, to pay arrearages on the debts of the State Reform School, for the years eighteen hundred and sixty-three and eighteen hundred and sixty-four, and the same shall be passed to the credit of the State Reform School, and shall be drawn on the warrant of the Auditor General, who is hereby authorized to draw his warrant on the State Treasurer, on the presentation of vouchers, certified by the board of control and board of State auditors, for the above amount, as the board of control may direct.

Sec. 2. This act shall take immediate effect.

Approved February 15, 1865.

[No. 44.]

AN ACT to continue in force the provisions of an act entitled "an act appropriating certain taxes for the improvement of a State road in the counties of Montcalm and Gratiot," being act number two hundred and thirty-three, approved February fifteenth, eighteen hundred and fifty-nine, and to amend section two of said act.

Provisions
of act con-
tinued in
force.

SECTION 1. *The People of the State of Michigan enact, That the* provisions of act number two hundred and thirty-three, of session laws of eighteen hundred and fifty-nine, entitled "an act appropriating certain taxes for the improvement of a road from St. Louis, by the way of Alma, in Gratiot county, and the geographical centre of Montcalm county, to the Greenville and Big Rapids State road," approved February fifteenth, eighteen hundred and fifty-nine, shall be continued in force for a period of three years from and after the time limited by said act.

Section
amended.

Sec. 2. That section two of said act be and is hereby amended so as to read as follows:

Appropriation
of high-
way taxes.

Sec. 2. That the non-resident highway taxes from Alma, in Gratiot county, to the western terminus of said road in Montcalm county, for three miles each side of said road, be and the same are hereby appropriated for the construction and improvement of such road, to be expended as hereinafter provided.

Approved February 15, 1865.

[No. 45.]

AN ACT to amend sections thirty-four and thirty-five, of chapter seventeen, of the compiled laws, relating to the assessing and collecting of taxes.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact, That* said act, being sections thirty-four and thirty-five, of chapter seventeen, of the compiled laws, be and the same is hereby amended so as to read as follows:

Supervisor
to notify
treasurer of
amount of
taxes.

Sec. 34. The supervisor of each township, on or before the twentieth day of November in each year, shall notify the township treasurer of the amount of State and county tax appor-

tioned to his township, and such treasurer, on or before the twenty-fifth day of November, shall give to the county treasurer, and his successors in office, a bond in double the amount of State and county taxes, with good and sufficient sureties, to be approved by the supervisor of the township or the county treasurer, conditioned that he shall duly and faithfully perform the duties of his office, and shall deliver the same to the county treasurer.

Sec. 35. The county treasurer shall file and safely keep such bond in his office, and on receipt thereof he shall give to the township treasurer a receipt, stating that he has received the bond required by the preceding section, which receipt the township treasurer shall deliver to the supervisor on or before the first day of December.

Approved February 15, 1865.

[No. 46.]

AN ACT to authorize Jesse Spalding to connect his boom, on the Menominee river, with the Michigan shore, and to build, keep and maintain a dividing boom on said Menominee river, in Menominee county, in the State of Michigan.

SECTION 1. *The People of the State of Michigan enact, That* Jesse Spalding, or his assigns, is and are hereby authorized to extend his boom, near the mouth of the Menominee river, built in pursuance of the authority granted to him by chapter three hundred and forty-five of the session laws of the State of Wisconsin, of the year eighteen hundred and sixty-three, to the Michigan shore of said river, and to connect with said shore, and to erect, keep and maintain piers to hold and protect the same, with all the like rights, privileges and immunities granted in said act as aforesaid, and subject to the same restrictions.

Sec. 2. The said Jesse Spalding, or his assigns, is and are hereby authorized to build a boom, for the purpose of holding and dividing his logs from other logs, across the Menominee river, in Menominee county, at such point between the head of the

old water mill rapids and Chappe's rapids, on said river, as shall be eligible, and to erect, keep and maintain all necessary piers, to hold and protect the same, and to connect the same with the banks of the river: *Provided*, That he shall first obtain the consent of the owner or occupant of any land adjoining said river, and that such boom shall be so constructed as to leave a free passage for all boats and other craft, and for logs, timber, lumber, or other merchandise, passing up and down.

Provide. said Menominee river, belonging to other persons: *Provided further*, That this act may be amended, altered or repealed, at any time, by the Legislature of this State.

Penalty for
injuring
boom.

Sec. 3. Any person or persons who shall break or destroy, or otherwise willfully or maliciously injure said boom or piers, or other necessary appurtenances thereto, or loose the same from its moorings, shall be liable to the owners thereof, in treble damages, in an action of trespass, and shall be liable to all the penalties for trespass, as provided in the general laws of this State.

Sec. 4. This act shall take immediate effect.

Approved February 15, 1865.

[No. 47.]

AN ACT to authorize the Forest Valley Salt Manufacturing Company to engage in the manufacture of lumber.

SECTION 1. *The People of the State of Michigan enact, That* the Forest Valley Salt Manufacturing Company be and is hereby authorized and empowered to engage in and carry on the business of manufacturing lumber in connection with and in addition to the manufacture of salt, and to invest any portion of the capital of said company in such business as fully, and to the same extent, as if the company had been originally formed for the purpose of carrying on the business of manufacturing salt and lumber: *Provided*, That before any money shall be appropriated to or invested in such business of manufacturing lumber by said company, the written assent of all the stock-

Company
authorized
to engage in
the manu-
facture of
lumber.

Provide]

holders in said company thereto shall be filed in the office of the company, with the directors thereof.

Sec. 2. This act shall take immediate effect.

Approved February 15, 1865.

[No. 48.]

AN ACT to legalize the tax roll of the township of Pulaski, in Jackson county, for the year eighteen hundred and sixty-four.

SECTION 1. *The People of the State of Michigan enact*, That the tax roll for the year eighteen hundred and sixty-four, in the township of Pulaski, Jackson county, as made out by the supervisor of said township, is hereby declared as valid and legal as though the men enlisted into the service of the United States to fill the quota of said township, to whom a bounty has been paid, and the amount thereof levied as a part of the tax of eighteen hundred and sixty-four, had been residents of the State at the time of their enlistment, and enrolled in the said township, and the treasurer of said township is hereby authorized and empowered to collect the taxes on said roll, and make the returns thereof, according to law.

Sec. 2. This act shall take immediate effect.

Approved February 15, 1865.

[No. 49.]

AN ACT to amend section one of an act entitled "an act to amend section twenty-six, and repeal sections twenty-seven, twenty-eight and twenty-nine, of chapter one hundred and fifty, title twenty-nine, of the revised statutes of eighteen hundred and forty-six," approved February sixteenth, eighteen hundred and fifty-seven, being section fifty-six hundred and fifty-eight of compiled laws, relative to the rates of legal advertising.

SECTION 1. *The People of the State of Michigan enact*, That section one of an act entitled "an act to amend section twenty-six, and repeal sections twenty-seven, twenty-eight and twenty-

Section amended.

nine, of chapter one hundred and fifty, title twenty-nine, of the revised statutes of eighteen hundred and forty-six," and approved February sixteenth, eighteen hundred and fifty-seven, be so amended as to read as follows:

Fees for legal advertisements.

Sec. 1. For publishing any other legal notice, or any order, citation, summons, or any other proceedings or advertisement, required by law to be published in any newspaper, the costs of publishing such advertisement shall not exceed the rate of seventy cents per folio for the first insertion, and thirty-five cents per folio for each subsequent insertion.

Approved February 15, 1865.

[No. 50.]

AN ACT to lay out and establish a State road in the counties of Mecosta, Osceola and Missaukee, and to appropriate certain non-resident highway taxes thereon.

Commissioner.

Route of road.

SECTION 1. *The People of the State of Michigan enact, That* Delos A. Blodgett, of the county of Mecosta, be and he is hereby appointed, authorized and empowered, to lay out, establish, and improve a State road, running from and commencing at the north-west corner of section six, in surveyed township number sixteen north, of range number ten west, in the county of Mecosta, and thence on the most practicable route to the north-east corner of section one, in surveyed township number twenty-five north, of range number three west, in the county of Missaukee.

Duty of commissioner.

Sec. 2. It shall be the duty of the said commissioner to file with the township clerk of the township of Richmond, in said county of Mecosta, a full description of the route and survey of the said road, as surveyed and established by him; and also to make out and file with the county treasurer of the county of Mecosta a description, by sections or sub-divisions, of all non-resident lands lying in whole or in part within five miles of the line of the said road, upon either side thereof, and within the limits of the counties of Mecosta or Osceola; and also to make

out and file with the county treasurer of the county of Manistee a like description of all such lands lying in whole or in part within the same distance of the line of the said road, and within the limits of the unorganized county of Missaukee.

Sec. 3. The non-resident highway taxes hereafter to be levied and collected from off the lands lying in whole or in part within the limits of five miles of the line of the said road, and on each side thereof, and which shall be described in the list filed by the commissioner with either of the county treasurers, as provided in the last preceding section, shall and the same are hereby appropriated for the term of five years, to the laying out, establishment, and improvement of the said road; and it shall be the duty of the county treasurers of each of the said counties of Mecosta and Manistee, respectively, to retain in their hands all such sums of money as may be received by them for non-resident highway taxes within the limits hereinbefore described, and for the time hereinafter stated, and to pay them out only upon the proper order of the said commissioner, or his successor in office.

Appropriation of highway taxes.

Duty of county treasurer.

Sec. 4. Any overseer of highways, or any township treasurer, who shall hereafter, within the term hereinbefore mentioned, receive any portion of the said tax, by way of commutation or otherwise, shall, upon the demand of the said commissioner, or his successor in office, pay over to such commissioner the amount so collected, and the receipt of such commissioner shall release such overseer or treasurer from any further liability therefor.

Overseer of highways to pay over tax.

Sec. 5. It shall be the duty of such special commissioner to render to the board of supervisors of each of the counties of Mecosta and Manistee, respectively, a full and true account of the amount, application, and disbursement of all moneys received by him to the credit of said road, from the county or township officers of each of the said counties respectively, and of the manner in which the same have been applied, which report shall be made at the annual session in each year, and at such other times as either of the said boards may direct.

Commissioner to make annual report.

Bond & oath
of commis-
sioner.

Sec. 6. The said commissioner, before entering upon the discharge of his official duty, and before any moneys so collected as aforesaid shall be received by him, shall take and subscribe the constitutional oath of office, and also make and execute to the people of the State of Michigan, a bond in the sum of four thousand dollars, conditioned that he will faithfully discharge the duties of his office, and apply all moneys received by him for the benefit of the said road, as directed and required by the terms of this act, which bond, with such sureties as the treasurer of the county of Mecosta may require and approve, shall, together with his official oath, be filed with the county clerk of the said county of Mecosta.

Compensa-
tion of com-
missioner.

Sec. 7. The said commissioner shall receive, as a compensation for his services, the sum of three dollars per day, while actually engaged in service for or on account of said road, which amount shall be audited by the board of supervisors of the county of Mecosta, and paid out of the fund created by this act.

Vacancies
how filled.

Sec. 8. Any vacancy in the office of commissioner, under this act, may be filled by the board of supervisors of the county of Mecosta, and any commissioner so appointed by said board shall be subject to and perform all the requirements of this act.

Certificate of
filing of
bond & oath.

Sec. 9. Before the county treasurer of the county of Manistee shall be required to pay over to the said commissioner any moneys received and held by him under the provisions of this act, the said commissioner shall deliver, or cause to be delivered, to him, (the said treasurer,) a certificate, under the hand and seal of the clerk of Mecosta county, certifying that the official oath and bond of the said commissioner, duly executed and approved, have been received by him and placed on file in his office.

Removal of
commis-
sioner.

Sec. 10. In case the said commissioner shall neglect or refuse to perform any of the duties of his said office, or in case of any misapplication of the funds arising under this act, or of any other misconduct or misdemeanor on the part of the said commissioner, it shall be competent for the Governor of this

State forthwith to remove him from his said office, and the said board of supervisors of Mecosta county shall fill the said vacancy upon notice of said removal.

Approved February 15, 1865.

[No. 51.]

AN ACT to incorporate the village of Ionia.

SECTION 1. *The People of the State of Michigan enact, That* all that tract of country situated in the county of Ionia, and State of Michigan, being in township seven north, of range six west, and described as follows, viz: commencing on the south bank of Grand river, where the same is intersected by the west line of the township of Ionia, thence easterly along the south bank of Grand river, to the point where the north and south quarter line of section twenty intersects the south bank of Grand river; thence north, on the quarter line, to the north quarter post of section twenty; thence west along the north section line of section twenty, to the north-west corner thereof; thence north on the section line between sections seventeen and eighteen, to the south-east corner of the north-east quarter of the south-east quarter of section eighteen; thence west along the center line (running east and west) of the south half of section eighteen, to the township line between the townships of Ionia and Easton; thence south on the township line, to the south bank of Grand river, be and the same is hereby constituted a village corporate, by the name of the village of Ionia. Boundaries of village.

Sec. 2. The male inhabitants of said village, having the qualifications of electors, under the constitution of the State, shall meet at Amphlett's hall, in said village, on the first Monday of March next, and on the first Monday of March annually thereafter, at such place as shall be provided in the by-laws of said village, and there, by ballot, shall elect, by plurality of votes, one person to be president of said village, and three Election, when and where held. Officers to be elected.

persons shall, in like manner, be elected trustees for one year, and three for two years, and one person, also, shall be elected marshal; and annually thereafter, a president and marshal shall be elected as aforesaid, who shall hold their respective offices for one year, and three trustees shall be elected, who shall hold their offices for two years; but if an election of president and trustees shall not be made on the day when, pursuant to this act, it ought to be made, the said corporation shall not, for that cause, be dissolved, and it shall be lawful to hold such election at any time thereafter, public notice being given, as prescribed by this act for the holding of the regular election. The president and three trustees thus elected, together with three trustees whose term of office is unexpired, shall constitute a village board, and a majority of the board shall constitute a quorum for the transaction of business, and a less number may adjourn from time to time. The president shall also be the chief executive officer of the village; he shall preside at the meetings of the board, and it shall be his duty to see that all the officers of said village faithfully discharge their duties; and in case of his absence or inability to serve, the trustees shall have power to elect, from their own number, a president *pro tem.*, who shall have all the powers, and perform all the duties, of president.

Terms of office.
Village board.
Powers of president.

Sec. 3. It shall be the duty of the clerk to give at least five days notice of the time and place of holding an election, either by posting written or printed notices in five of the most public places in said village, or by causing the same to be published in some paper printed in the village; and at all the elections the polls shall be opened at nine o'clock in the forenoon, or as soon thereafter as may be, and closed at four o'clock in the afternoon; and at the close of the polls the ballots shall be counted, and a true statement thereof proclaimed to the electors present, and the clerk shall make a true record thereof, and within five days give notice to the persons elected, who shall enter upon their duties the ensuing Monday.

Notice of election.
How conducted.

Notice to persons elected.

Sec. 4. Any two of the trustees may be judges of the election, ^{Judges and clerk of election.} and the clerk of the village, or his substitute, shall be the clerk of the election, and the judges and clerk shall take an oath, to be administered by either of the others; to faithfully and honorably discharge their duties as judges, or clerk of election; and said board shall have power to preserve the purity of the election as is now or may be hereafter given to township boards of election.

Sec. 5. The president, and every other officer elected or ap- ^{Oath of office.} pointed under the provision of this act, before he enters upon the duties of his office, shall take and subscribe an oath or affirmation, which may be administered by any trustee, or any other person authorized to administer oaths, to support the constitution of the United States and of this State, and that he will faithfully and impartially discharge the duties of his office according to the best of his ability, a record of which oath shall be made and kept by the clerk; and it shall be the duty of the ^{Village clerk, duties of.} president and trustees, on their being duly qualified, to appoint a village clerk, who shall hold his office one year, unless sooner removed by them, who shall attend all meetings of the board, keep a fair and accurate record of their proceedings, and perform such other duties as shall be assigned him by the by-laws and ordinances of the village.

Sec. 6. The president and trustees of said village shall be a ^{Body corporate, name, powers, etc.} body corporate and politic, with the same powers as township boards, in addition to those granted by this act, under the name of president and trustees of the village of Ionia, and may have a common seal, which they may alter at pleasure; may ^{Common seal, etc.} purchase and hold real estate for the use of said village, and at any time sell and convey the same, and may sue and be sued, defend and be defended in any court; but when any suit shall ^{Commencement of suit.} be commenced against the corporation, the same shall be commenced by summons, an attested copy of which shall be served upon the president, or any one of the trustees of the village, at least six days before the return day thereof.

Powers of
president
and trus-
tees.

Appoint-
ment of
treasurer,
etc.

Police.

Fire depart-
ment.

Vagrants.

Gaming
houses, etc.

Tavern
keepers, etc.

Sale of
liquors.

Nuisances.

Disorderly
houses.

Obstruc-
tions to
streets.

Sidewalks.

Powder.

Fire arms.

Markets.

Sec. 7. The president and trustees shall have power to ordain and establish by-laws, rules and regulations, and to alter and repeal the same at pleasure, for the following purposes, viz: for the appointment of a treasurer, and prescribing his duties; one assessor, and such other officers for said village as they may deem necessary, and also such as they may deem necessary and right for the maintenance and preservation of the public places, property and buildings of said village; to regulate the police thereof; to preserve the public peace; to prevent riots, disturbances and disorderly assemblages; to appoint watchmen and policemen, and organize a fire department and define their duties, and prescribe penalties for their delinquencies; to restrain, apprehend and punish vagrants, mendicants, drunkards, and all disorderly persons; to punish lewd and lascivious behavior in the streets or other public places; to suppress and restrain disorderly and gaming houses, billiard tables, and other devices and instruments of gaming; and shall have the exclusive power and authority to license such persons as tavern keepers and common victualers as they shall think best, but no license shall be in force except during the life of the board granting it; to prevent the selling or giving away of spirituous or fermented liquors to drunkards, minors or apprentices; to prevent and punish inordinate riding or driving in the streets; to abate, prevent and remove nuisances; to suppress all disorderly houses and houses of ill fame, and to punish the keepers and inmates thereof; to prevent and compel the removal of all incumbrances, encroachments and obstructions upon the streets, walks, lanes, alleys, parks and public grounds; to compel the owners or occupants of lots to clear side-walks in front of and adjacent thereto of snow, ice, dirt, mud, boxes, and every incumbrance or obstruction there- to; to regulate the storage of powder, lumber, or other combusti- ble material; to prevent the use of fire-arms, slung-shots, and other weapons, and fire-works; to construct and regulate mar- kets, the vending of poultry, meat, vegetables, fruit and fish; to regulate the sale of hay, wood, lime, lumber and coal; to regu-

late the gauging of vessels containing liquor, the sealing of weights and measures; to regulate and maintain pounds, and to ^{Pounds} provide for the restraint of horses, cattle, sheep, swine, mules and other animals, geese and other poultry; to prevent the running ^{Dogs.} at large of dogs, to require them to be muzzled, and to authorize their destruction if found at large in violation of any ordinance; to regulate and license cartmen, porters, hacks and ^{Cartmen, etc.} cabs, and to regulate their rates of compensation; to prevent runners from soliciting travelers; to construct hydraulic works, ^{Hydraulic works.} to supply the village with water; to light the streets; to borrow money for public improvements, not exceeding one thousand dollars in any one year; to establish wells and cisterns, ^{Wells, etc.} and to prevent the waste of water; to prevent bathing in public streams; to purchase grounds for and regulate cemeteries ^{Cemeteries.} and the burial of the dead, and to provide for the return of the bills of mortality, and to order the use, for burial purposes, of any burial ground or cemetery to be discontinued whenever ^{Public health.} they may deem the same necessary for the best interest or health of the citizens; to ascertain, establish and settle the ^{Streets, grades, etc.} boundaries of all streets and alleys, and to establish grades therefor; also to order and cause to be drained or filled up, and to assess the cost and expense on the premises benefitted; to regulate ^{Fences.} the building of partition and other fences; to establish lines upon which buildings may be erected, and beyond which such buildings shall not extend; to prevent the erection of ^{Buildings.} buildings in an unsafe manner, and to pass all necessary regulations relative to buildings deemed unsafe; to purchase and keep ^{Fire engines} in order fire-engines and other fire apparatus, and to construct buildings to store them, and to cause each building occupied as a house, store or shop, to be provided with fire buckets and ladders; to establish fire limits, within which no wooden build- ^{Fire limits.} ing shall be built, enlarged or placed; to regulate party walls, ^{Chimneys.} chimneys, flues, and putting up stoves and stove pipes; to regulate ^{Extra hazardous buildings.} the construction of smith shops, planing establishments, bakeries, and other buildings considered extra hazardous; to guard against fires; to regulate the duties, powers and fees of ^{Village officers.}

village officers; to prescribe the setting of posts and shade trees; to provide for the construction of side-walks and repairing the same; to grade the walks, streets and alleys, and to prescribe the manner of planking or repairing them, the cost and expense of repairing side-walks, grading the walks, streets and alleys, the paving or planking to be paid by assessments on the lot in the front of or adjoining either or all of such improvements shall be made: *Provided*, That so much money, belonging to the highway fund of said village, as the president and trustees may direct, may be expended for grading: *And provided further*, That not more than one per cent. on the assessed value of any lot shall be collected in any year for such purpose; to construct and keep in repair the public highways, bridges, culverts and sewers; to lay out new streets and alleys, and to extend those already laid out under the restrictions provided in this act; to vacate streets and alleys; to prescribe the levying and collection of the highway and other taxes; to provide for taking a census whenever they shall see fit; to regulate theatres, shows and concerts; to regulate and tax, at their discretion, auctioneers, or auction sales, gift enterprises, hawkers, hucksters, peddlers and pawn-brokers; to regulate the covering of mill-races, at the expense of the owners thereof; to rail and curb, where necessary, all walks, at the expense of the owners of the adjoining lots; to levy taxes on all personal and real estate within the limits of the village, except property belonging to the village, town, county or State, excepting, also, places of public worship, belonging to any church or congregation, and all grounds and buildings used exclusively for educational purposes; to take the land of any individual for the purpose of constructing, widening, or extending streets, lanes, alleys, drains or sewers, but not until such individual shall be paid the value thereof, and all buildings thereon, and all the damages he will sustain, as provided for in this act; for the violation of any by-laws, rules and regulations, such reasonable penalties may be imposed by the law itself as the president and trustees may deem proper, and when any fine or penalty shall not exceed

Walks and grades.

Highway fund.

Amount collected.

Streets, lay out and vacate.

Census.

Theatres, etc.

Auctions, etc.

Levy taxes.

When to take private property.

Penalties.

one hundred dollars, the same may be recovered before any justice of the peace in the township of Ionia, and any interest the inhabitants of the village of Ionia may have in the fine or penalty to be recovered, shall not disqualify any inhabitant of said village to try said cause, or serve as a juror or witness therein, and the circuit court of the county of Ionia shall also have jurisdiction to try and determine all causes brought for the recovery of any fine or penalty imposed by said by-laws.

How recovered.
Interest not to disqualify juror, etc.
Jurisdiction of circuit court.

Sec. 8. All taxes levied upon real estate, and all assessments made thereon, for opening, widening, extending, paving, grading, planking or repairing a street or alley, or making or repairing sidewalks, and all highway taxes, shall be and remain a lien upon said estate until the same is paid.

Taxes a lien on real estate.

Sec. 9. The President and trustees shall, at the expiration of each year, cause to be made out and published in some newspaper printed in said village, if one shall be printed therein, and if one is not printed therein, then to post up on the door of the building where the last annual election was held in said village, a true statement, exhibiting in detail all items of receipts and expenditures of the preceding year.

Annual report of president and trustees.

Sec. 10. No by-law or ordinance of said corporation shall have any effect until the same shall have been published at least once a week for two successive weeks, in a newspaper printed in said village, or until it shall have been posted up for two weeks in three public places in said village, and an affidavit of the said publication in the manner aforesaid, in case the publication is by posting up, to be made by the clerk of the village, and in case the publication is in a newspaper in which the same was published, then by the publisher of the newspaper in which the same was published, entered at large upon the record of said corporation, shall be prima facie evidence of such publication.

Ordinances to be published.
Affidavit thereof.

Sec. 11. The assessor of said village shall, once in each year, make an assessment roll, containing a description of all the property, both real and personal, liable to taxation in said village, and the name of the owner or occupants, or agent there-

Assessment roll.

of, if known, and shall set down in such roll the valuation of such property at its fair cash value, placing the value of personal property on a separate line; and it shall be the duty of the president and trustees, once in each and every year, and immediately after the assessor has assessed the real and personal estate, lying and being in said village, and before any tax shall be levied on the same, to give ten days notice, by publishing thereof the time and place of reviewing said assessment roll, under the supervision of the president and the assessor, that any person or persons deeming themselves aggrieved, may be heard, and the roll may then and there be altered, if it shall be made to appear that any person has been wrongfully assessed. After the expiration of the said ten days, the assessor, and the president and trustees, shall immediately proceed to estimate, apportion and set down, in a column left for that purpose, opposite to the several sums set down as the value of real and personal estate in the assessment roll, the respective sums, in dollars and cents, to be paid as a tax, or assessment thereon, and shall then cause said assessment roll, or a copy thereof, to be delivered to the marshal of said village, with a warrant annexed thereto, under the hand and seal of said assessor, directing and requiring him to collect, from the several persons named in said roll, the several sums mentioned therein set opposite their respective names, as a tax or assessment, and authorize him, in case any of them shall neglect or refuse to pay such sums, to levy the same by distress and sale of his or her goods and chattels, together with the costs and charges of such distress and sale, and directing him to pay such money, when collected, to the treasurer of said village, by a certain day therein named, not less than forty days from the date of said warrant, and said warrant may be renewed from time to time as the trustees may deem best; and when any assessment shall be made for any special improvement, it shall be legal, even if it is not made at the time of making the grand list, notice being given of the review of said assessment as herein provided.

Notice of review.

Apportionment of tax.

Assessment roll to be delivered to marshal.

Warrant annexed.

Distress and sale.

Renewal of warrant.

Sec. 12. If any person shall refuse or neglect to pay the sum or sums at which he or she shall be taxed or assessed as aforesaid, the marshal is hereby authorized and required to levy the same by distress and sale of the goods and chattels of the person who ought to pay the same, first giving public notice thereof, as is required by law to be given by township treasurers; and in case the goods and chattels distressed shall be sold for more than the amount of the tax or assessment, with the charges of distress and sale, the surplus shall be paid to the owner of such goods and chattels on demand; and in case the marshal shall be unable to collect the taxes assessed on any real estate, he shall make a return thereof, with the amount due and unpaid on each description, and said tax thereafter, shall be a lien on the same.

Proceedings upon refusal to pay tax

Return to owner of surplus on sale.

Return of unpaid taxes.

Sec. 13. The tax upon real estate, with all the assessments, for the purposes named in the eighth section of this act, shall be put down in the assessment roll by itself in a column, and whenever any such tax or assessment, and all taxes on real estate returned for non-payment of taxes, as provided in the preceding section, and the interest thereon, which shall be computed at the rate of twenty per centum per annum until paid, shall remain unpaid for two years from the date of the warrant to the marshal as aforesaid, the treasurer of said village shall cause so much of the land charged with such tax and assessment and interest to be sold at public auction, at some public place in said village, to the highest bidder, as shall be necessary to pay the said taxes and assessments and interest, together with all taxes thereon, first giving at least thirteen weeks notice of the time and place of sale, by advertisement, posted up in three of the most public places in said village, or by causing the same to be published in a newspaper in said village; an affidavit of such publication, recorded in the manner prescribed in the tenth section of this act, shall be deemed prima facie evidence of the fact of such publication.

Tax upon real estate.

Interest on unpaid taxes, rate of.

Sale of lands for taxes.

Notice thereof.

Sec. 14. On the day mentioned in said notice, the said treasurer shall commence the sale of said lands, and continue the

Sale.

semblages, and take them before any justice of the peace of the township of Ionia, who shall hear, try and determine the matter, upon proof, in a summary way; to compel the citizens to aid in extinguishing fires; to appoint deputies, with powers similar to his own: *Provided*, That nothing in this act shall be construed into his serving processes issued by justices of the peace in civil cases.

Deputies.
Removal,
etc., of mar-
shal.

Sec. 21. The marshal shall at all times be subject to the supervision and control of the president and trustees, in the discharge of his official duties, and he may be removed from office by a majority of their whole number, for any refusal or neglect to comply with their orders or directions, or for any gross neglect in the discharge of other official duties, but the cause of such removal shall, in all cases, be made a matter of record by them.

Vacancies,
how filled.

Sec. 22. A vacancy in the office of marshal, whether by death, removal from office, resignation, or otherwise, shall be filled for the unexpired term by appointment, to be made by the president and trustees, and any vacancy in the number of trustees shall be filled in the same manner.

Compensa-
tion of offi-
cers.

Sec. 23. The president and trustees shall not receive any compensation for their services. The marshal shall receive such salary as the president and trustees shall prescribe, not exceeding the rate of five hundred dollars for each year, which shall be a full compensation for all services rendered by him. The clerk and treasurer shall each receive such compensation as the president and trustees shall direct.

Corporation
to use coun-
ty jail.

Sec. 24. The corporation shall be allowed the use of the common jail of the county of Ionia for the imprisonment of any person liable to imprisonment under the by-laws or ordinances of said corporation, and all persons so committed to said jail shall be under the charge of the sheriff, as in other cases:

Proviso.

Provided, The county shall in no manner be chargeable with the costs and expenses of such imprisonment in civil cases.

Exemption
of members
of fire de-
partment.

Sec. 25. Each member of the fire department, or an engine, hook and ladder, bucket or hose company, duly organized by

the president and trustees, shall be exempt from poll tax, or serving on jury; and the president and trustees may pass such laws as they may deem proper, to prevent or extinguish fires, and to annex penalties for the violation thereof, and to compel the assistance of the citizens to aid in extinguishing any fire.

Sec. 26. The president and trustees shall be the commissioners of streets and highways, and within the limits of the village shall have the same power, and perform the same duties, as now by law belong to commissioners of streets and highways in the several townships of the State, and shall appoint one or more overseers of highways to repair and keep in order the highways, streets and alleys, and shall cause a tax to be levied and collected upon the real and personal property in said village, not exceeding one thousand dollars, nor less than two hundred and fifty dollars, in any year, and no other highway taxes shall be levied and collected in said village, except that every male inhabitant, above the age of twenty-one year, and under the age of sixty, residing in said village, on the first day of April, in each year, except paupers, idiots, lunatics, and those excepted in section twenty-five of this act, shall be liable to pay a poll tax of one dollar, to be collected by the marshal; and every person so liable to pay a poll tax who shall neglect or refuse to pay the same within ten days from the time of demand made by the marshal, shall forfeit to the use of the said corporation the sum of five dollars, to be recovered in the name of the president and trustees, in an action of debt, before any justice of the peace of the township of Ionia; and the president and trustees shall cause a list to be made and delivered to the marshal, in the month of April in each year, of all persons liable to pay said poll tax, and the president and trustees shall have the exclusive control of the highway money levied and collected in the village: *Provided*, That their power to order fences to be removed, and to remove such fences themselves, and to open, widen, and extend streets and highways, shall not be restricted between the first day of April and the first day of November in each year, but they may exercise that power at any time

Commissioners of streets.

Overseers of highways.

Highway tax.

Poll tax.

Penalty for non-payment.

Removal of fences.

Township
tax for
bridges,
etc.

during the year: *And provided, also,* That nothing herein contained shall be construed to exempt any person or property within said village from any township tax that may be legally levied within and for the township of Ionia for the repairing, building or rebuilding of any bridge within said township, or for any special expenditure for the laying out, opening, working or improving any highway of said township, or for any damage for which said township may become liable, by reason of any neglect in keeping any bridge or public highway in proper repair.

Proceedings
when pri-
vate prop-
erty is taken
for streets,
etc.

Notice.

Sec. 27. Whenever the lands of any person shall be required to be taken for the constructing, widening or extending streets, lanes, alleys, drains or sewers, within the limits of said village, the president and trustees shall give notice thereof to the owners or parties interested, or his, her, or their agent or representatives, by personal service, or by written notice posted up in three of the most public places in said village, at least three weeks next preceding the meeting of the said president and trustees for any of the purposes aforesaid; and the said president and trustees are hereby authorized to treat with such per-

Summons of
jury.

son or persons for such ground or premises, and if such person or persons shall refuse or neglect to treat for the same, or if the parties cannot agree therefor, it shall and may be lawful for said president and trustees to direct any justice of the peace of the township of Ionia to issue a venire facias, to command the marshal of said village, or any constable of said county to summon and return a jury of twelve disinterested freeholders, to be taken without the limits of said village, to appear before him, at any time therein to be stated, to inquire into the necessity of using such grounds or premises, and the just compensation to be made therefor to the owner or owners

Proceedings
of jury.

of, or parties interested in, such grounds or premises, which jury, being first duly sworn by said justice faithfully and impartially to inquire into the necessity of using such grounds or premises, and the just compensation to be made therefor, and having viewed the premises, if necessary shall inquire of such

necessity, and assess such damages and compensation as they shall judge fit to be awarded to the owner or owners of, or parties interested in, such ground or premises, for their respective losses, according to the several interests or estates therein, and the said justice shall, upon the return of such assessment or verdict, enter judgment therefor, confirming the same, and such sum or sums so assessed, together with all costs, shall be paid, or legally tendered, before such street, lane or alley, sidewalk, drain or sewer, or highway shall be made, opened or established, or altered, to the claimant or claimants thereof; it shall thereupon be lawful for the president and trustees to cause the same grounds or premises to be occupied and used for the purposes aforesaid: *Provided*, That the president and trustees, or any party claiming damages as aforesaid, may have the right to remove such proceedings by appeal to the circuit court, or any other court of competent jurisdiction, upon giving notice of his, her, or their intention so to do to said justice, in writing, within ten days, or in case of the absence of said party from said village, (at the time of the rendition of the judgment,) then within thirty days after the verdict of said jury, and the judgment of said justice as aforesaid; upon the filing of a transcript of the proceeding aforesaid, duly certified by the said justice, within forty days after the verdict and judgment as aforesaid, in the circuit court, or any other court of record, having appellate jurisdiction, the same proceedings shall be had as is prescribed by law in other cases of appeal: *Provided*, That if final judgment for damages shall not exceed the damages assessed before the justice at least five dollars, then the party appealing shall pay all costs occasioned by such appeal.

Sec. 28. All moneys received for licenses granted to tavern keepers, or common victualers, under the provisions of this act, shall be paid to the county treasurer, as provided in section twenty-six, of chapter thirty-eight; of the revised statutes of eighteen hundred and forty-six.

Sec. 29. This act shall be favorably construed and received in all courts as a public act, and copies thereof, printed under

Confirmation
of
judgment.

Premises
may be oc-
cupied.

Appeal,
proceedings
by.

Costs.

Money re-
ceived for
licenses,
where paid.

Public act.

the authority of the Legislature, shall be received as evidence without further proof.

Who eligible
to office.

Sec. 30. No person shall be eligible to any office in this corporation, unless he shall have resided in the said village six months next preceding his election, and shall be entitled to vote therein.

Sec. 31. This act shall take immediate effect.

Approved February 17, 1865.

[No. 52.]

AN ACT to extend the time for the collection of taxes in the township of Erin, in the county of Macomb, for the year one thousand eight hundred and sixty-four.

SECTION 1. *The People of the State of Michigan enact,* That the time for the collection of taxes in the township of Erin, in the county of Macomb, is hereby extended to the first day of March next.

Power of
treasurer.

Sec. 2. The treasurer of the township of Erin aforesaid is hereby authorized and empowered to proceed and collect said taxes in the same manner as during the lifetime of his warrant, and to make returns to the county treasurer on or before the first day of March next, and the said warrant is hereby continued in full force, for said purpose, until said time.

Warrant
continued
in force.

Duty of
treasurer.

Sec. 3. It shall be the duty of the said treasurer of said township, before he shall be entitled to the benefit of this act, to pay over all moneys collected by him during the lifetime of his warrant, as provided by law, and to renew his official bond to the satisfaction of the treasurer of said county.

Renewal of
bond.

Return of
unpaid tax-
es.

Sec. 4. A transcript of all unpaid taxes, returnable to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time, as other

taxes for the year one thousand eight hundred and sixty-four, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take immediate effect.

Approved February 17, 1865.

[No. 53.]

AN ACT to extend the time for the collection of taxes in the township of Redford, in the county of Wayne.

SECTION 1. *The People of the State of Michigan enact, That the time for the collection of taxes in the township of Redford, in the county of Wayne, for the year eighteen hundred and sixty-four, be and the same is hereby extended to the second Monday of March, eighteen hundred and sixty-five.* Time extended.

Sec. 2. The treasurer of said township is hereby authorized and empowered to proceed and collect said taxes as fully as he could do in the lifetime of his warrant, and to make his return at any time on or before the second Monday of March next, and said warrant is hereby revived and continued in full force and virtue, for the purpose aforesaid, until the second Monday of March next. Power of treasurer. Warrant continued in force.

Sec. 3. It shall be the duty of the treasurer of said township, before he shall be entitled to the benefit of this act, to pay over all moneys collected during the lifetime of his warrant, as is now provided by law, and renew his official bond to the satisfaction of the treasurer of said county of Wayne. Duty of treasurer. Renewal of bond.

Sec. 4. A transcript of all unpaid taxes, returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes for the year eighteen hundred and sixty-four, duly returned to the Auditor General for non-payment. Return of unpaid taxes.

Sec. 5. This act shall take immediate effect.

Approved February 17, 1865.

[No. 54.]

AN ACT to extend the time for the collection of taxes in the township of Oakfield, Kent county, for the year eighteen hundred and sixty-four.

Time extended. SECTION 1. *The People of the State of Michigan enact*, That the time for the collection of taxes in the township of Oakfield, in the county of Kent, for the year eighteen hundred and sixty-four, be and the same is hereby extended until the second Monday in March, eighteen hundred and sixty-five.

Power of treasurer. Sec. 2. The treasurer of said township is hereby authorized and empowered to proceed and collect said taxes as fully as he could in the lifetime of his warrant, and to make returns at any time before the second Monday of March next, and said warrant is hereby revived and continued in full force and virtue, for the purpose aforesaid, until the second Monday of March next.

Duty of Treasurer. Sec. 3. It shall be the duty of the treasurer of the said township, before he shall be entitled to the benefits of this act, to pay over all moneys collected during the lifetime of his warrant, as is now provided by law, and to renew his official bond to the satisfaction of the treasurer of said county.

Renewal of bond. Sec. 4. A transcript of all unpaid taxes, returnable to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes for the year eighteen hundred and sixty four, duly returned to the Auditor General for non-payment.

Return of unpaid taxes. Sec. 5. This act shall take immediate effect.

Approved February 17, 1865.

[No. 54.]

AN ACT to extend the time for the collection of taxes in the township of Port Austin, in Huron county.

SECTION 1. *The People of the State of Michigan enact, That* the time for the collection of taxes in the township of Port Austin, in the county of Huron, for the year eighteen hundred and sixty-four, be and the same is hereby extended until the second Monday in March, eighteen hundred and sixty-five. Time extended.

Sec. 2. The treasurer of said township is hereby authorized and empowered to proceed and collect said taxes as fully as he could in the lifetime of his warrant, and to make returns at any time on or before the second Monday of March, eighteen hundred and sixty-five, and said warrant is hereby revived and continued in full force and virtue, for the purpose aforesaid, until the second Monday in March, eighteen hundred and sixty-five. Power of treasurer. Warrant continued in force.

Sec. 3. It shall be the duty of the treasurer of said township, before he shall be entitled to the benefits of this act, to pay over all moneys collected during the lifetime of his warrant, in the manner now provided by law, and to renew his official bond to the satisfaction of the treasurer of said county. Duty of treasurer. Renewal of bond.

Sec. 4. A transcript of all unpaid taxes, returnable to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes for the year eighteen hundred and sixty-four, duly returned to the Auditor General for non-payment. Return of unpaid taxes.

Sec. 5. This act shall take immediate effect.

Approved February 17, 1865.

[No. 56.]

AN ACT to extend the time for the collection of taxes in the township of Holmes, in the county of Mackinac, for the year eighteen hundred and sixty-four.

SECTION 1. The People of the State of Michigan enact, That the
Time extended. time for the collection of the taxes in the township of Holmes, in the county of Mackinac, for the year eighteen hundred and sixty-four, is hereby extended to the first day of April next; and the treasurer of said township is hereby authorized and empowered to proceed and collect said taxes, and make return in pursuance of his warrant, on or before the first day of April next, and his warrant is hereby revived and continued in full force and virtue until that time.

Warrant continued in force.
Duty of treasurer. Sec. 2. It shall be the duty of the treasurer of said township, before he shall avail himself of the benefits of the extension of time herein conferred, to pay over all moneys collected during the lifetime of his warrant, as now provided by law, and to renew his official bond to the satisfaction of the county treasurer of Mackinac county.

Renewal of bond.
Return of unpaid taxes. Sec. 3. A transcript of all unpaid taxes, returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes for the year eighteen hundred and sixty-four, duly returned to the Auditor General for non-payment.

Sec. 4. This act shall take immediate effect.

Approved February 18, 1865.

[No. 57.]

AN ACT to extend the time for the collection of taxes in the township of Kalamazoo, in the county of Kalamazoo, for the year eighteen hundred and sixty-four.

SECTION 1. The People of the State of Michigan enact, That the
Time extended. time for the collection of taxes in the township of Kalamazoo, in the county of Kalamazoo, for the year eighteen hundred and

sixty-four, be and the same is hereby extended until the third Monday of March, eighteen hundred and sixty-five.

Sec. 2. The treasurer of said township is hereby authorized ^{Power of treasurer.} and empowered to proceed and collect said taxes as fully as he could do in the lifetime of his warrant, and to make returns at any time before the third Monday of March next, and said ^{Warrant continued in force.} warrant is hereby revived and continued in full force and virtue, for the purpose aforesaid, until the said third Monday of March next.

Sec. 3. It shall be the duty of the treasurer of said township, ^{Duty of treasurer.} before he shall be entitled to the benefits of this act, to pay over all moneys collected during the lifetime of his warrant, as ^{Renewal of bond.} is now provided by law, and to renew his official bond to the satisfaction of the treasurer of said county of Kalamazoo.

Sec. 4. A transcript of all unpaid taxes, returned to the ^{Return of unpaid taxes.} county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes for the year eighteen hundred and sixty-four, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take immediate effect.

Approved February 18, 1865.

[No. 58.]

AN ACT to legalize the tax roll of the township of Fenton, in the county of Genesee, for the year eighteen hundred and sixty-four, and to extend the time for the collection of the taxes of said township.

SECTION 1. *The People of the State of Michigan enact*, That the tax roll of the township of Fenton, in the county of Genesee, for the year eighteen hundred and sixty-four, be and the ^{Tax roll legalized.} same is hereby declared to be as valid and legal as though the taxes had all been collected by the first day of February; and that the time for the collection of the taxes in said township,

Time extended. for said year, be and the same is hereby extended to the first Monday in March, eighteen hundred and sixty-five.

Power of treasurer. Sec. 2. The treasurer of said township of Enton is hereby authorized and empowered to proceed and collect said taxes, and to make his returns on or before the first Monday in March,

Warrant continued in force. eighteen hundred and sixty-five, and said warrant is hereby revived and continued in full force until the said first Monday in March, and it shall be the duty of said treasurer, before he shall be entitled to the benefit of this act, to pay over to the county treasurer all such sums of money as he may already have collected on account of county and State taxes, and to renew his official bond to the satisfaction of the treasurer of said county.

Renewal of bond. Sec. 3. A transcript of all unpaid taxes, returnable to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes for the year eighteen hundred and sixty-four, duly returned to the Auditor General for non-payment.

Return of unpaid taxes. Sec. 4. This act shall take immediate effect.

Approved February 18, 1865.

[No. 59.]

AN ACT to amend an act entitled "an act to incorporate the city of Niles."

Section amended. SECTION 1. *The People of the State of Michigan enact, That* section twenty-three, of act number one hundred and thirty-four, of the session laws of the year eighteen hundred and fifty-nine, approved February twelfth, A. D. eighteen hundred and fifty-nine, be amended so as to read as follows:

Justices of the peace, powers of. Sec. 23. The justices of the peace elected under the provisions of this act shall have the like power, and be subject to the same duties and liabilities, as are provided by law in relation to

the powers and duties and liabilities of justices of the peace of the several townships of this State: *Provided*, That all actions within the jurisdiction of justices of the peace, may be commenced and prosecuted before any justice of the peace of said city, whenever the plaintiff or defendant, or one of the plaintiffs, or one of the defendants, resides either in the city or township of Niles, or in any township adjoining to, or cornering upon the township of Niles.

Approved February 20, 1865.

[No. 60.]

AN ACT to amend section three thousand four hundred and fifty-nine of compiled laws, relative to bonds of registers in chancery.

SECTION 1. *The People of the State of Michigan enact*, That section three thousand four hundred and fifty-nine of the compiled laws, be and the same is hereby amended so that the same shall read as follows:

(3459) Sec. 5. Each of said registers, before entering upon the duties of his office, shall execute a bond to the people of this State, in such sum as the circuit judge shall direct, not less than five thousand dollars, with at least two sureties, to be approved by the circuit judge, for the faithful performance of the duties of his office; and whenever the circuit judge shall be of opinion that, for any reason, the bond or bonds given is, are, or may be, inadequate security, he may require a new one to be given, in such sum as he shall direct, and thereupon the register shall, within such time as the circuit judge shall direct, execute a further bond to the people of the State, in the sum so directed as last aforesaid, with at least two sureties, to be approved by the circuit judge, and with the like conditions as the bond first mentioned.

Sec. 2. This act shall take immediate effect.

Approved February 20, 1865.

[No. 61.]

AN ACT to prohibit practicing attorneys and counselors at law from becoming bail or security in certain cases.

Attorneys not to become bail. SECTION 1. *The People of the State of Michigan enact, That* no practicing attorney or counselor at law shall become security or bail for the appearance of any person charged with crime, in any criminal action, and any such security or bail for appearance, taken by a judge, circuit court commissioner, justice of the peace, or other officer authorized by law to take the same, shall be void.

Approved February 20, 1865.

[No. 62.]

AN ACT to extend the time for the collection of taxes in the township of Van Buren, in the county of Wayne, for the year one thousand eight hundred and sixty-four.

Time extended. SECTION 1. *The People of the State of Michigan enact, That* the time for the collection of taxes in the township of Van Buren, in the county of Wayne, is hereby extended to the first day of March next.

Power of treasurer. Sec. 2. The treasurer of the township of Van Buren aforesaid is hereby authorized and empowered to proceed and collect said taxes in the same manner as during the lifetime of his warrant, and to make returns to the county treasurer on or before the first day of March next, and the said warrant is hereby revived and continued in full force, for said purpose, until said time.

Duty of treasurer. Sec. 3. It shall be the duty of the said treasurer of said township, before he shall be entitled to the benefit of this act, to pay over all moneys collected by him during the lifetime of his warrant, as provided by law, and to renew his official bond to the satisfaction of the treasurer of said county.

Return of unpaid taxes. Sec 4. A transcript of all unpaid taxes, returnable to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practi-

cable, and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time, as other taxes for the year one thousand eight hundred and sixty-four, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take immediate effect.

Approved February 20, 1865.

[No. 63.]

AN ACT to amend act number one hundred and sixty-six, of the session laws of eighteen hundred and sixty-three, being "an act for the incorporation of boards of trade and chambers of commerce," approved March nineteenth, eighteen hundred and sixty-three.

SECTION 1. *The People of the State of Michigan enact, That* section one of an act entitled "an act for the incorporation of boards of trade and chambers of commerce," approved March nineteenth, eighteen hundred and sixty-three, be and the same is hereby amended so as to read as follows: Section amended.

SECTION 1. *The People of the State of Michigan enact, That* any number of persons, not less than twenty, residing in any city, town or county, may associate themselves together as a board of trade, and assemble at any time and place upon which a majority of the members so associating together may agree, and elect a president, one or more vice presidents, and such other officers as may be determined upon, adopt a name, constitution and by-laws, such as they may agree upon, and shall thereupon become a body corporate and politic, in fact and in name, by the name, style or title which they have adopted, and by that name shall have succession, shall implead and be impleaded, answer and be answered, defend and be defended, in all courts of law and equity whatever, and they and their successors shall have a common seal, and may alter and change the same at any time, at their discretion. Boards of trade authorized. Officers of. Name, etc. Body corporate. Common seal.

Sec. 2. This act shall take immediate effect.

Approved February 20, 1865.

[No. 64.]

AN ACT to extend the time for the collection of taxes in the township of Holly, in the county of Oakland, for the year one thousand eight hundred and sixty-four.

Time extended. SECTION 1. *The People of the State of Michigan enact*, That the time for the collection of taxes in the township of Holly, in the county of Oakland, is hereby extended to the twentieth day of March next.

Power of treasurer. SEC. 2. The treasurer of the township of Holly aforesaid is hereby authorized and empowered to proceed and collect said taxes in the same manner as during the lifetime of his warrant, and to make returns to the county treasurer on or before the twentieth day of March next, and the said warrant is hereby continued in full force, for said purpose, until said time.

Warrant continued in force.

Duty of treasurer.

SEC. 3. It shall be the duty of the said treasurer of said township, before he shall be entitled to the benefit of this act, to pay over all moneys collected by him during the lifetime of his warrant, now remaining in his hands as provided by law, and to renew his official bond to the satisfaction of the treasurer of said county.

Renewal of bond.

Return of unpaid taxes.

SEC. 4. A transcript of all unpaid taxes, returnable to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time, as other taxes for the year one thousand eight hundred and sixty-four, duly returned to the Auditor General for non-payment.

SEC. 5. This act shall take immediate effect.

Approved February 20, 1865.

[No. 65.]

AN ACT to amend sections four and five of an act entitled "an act for the appropriation of swamp lands to the counties of Houghton and Keweenaw, for the construction of the mineral range State road," approved March twentieth, eighteen hundred and sixty-three.

SECTION 1. *The People of the State of Michigan enact, That* section four of said act be and the same is hereby amended so Section amended. as to read as follows:

Sec. 4. There shall be withheld from sale not exceeding one Lands to be withheld from sale. thousand two hundred and eighty acres of the swamp lands in the Upper Peninsula, (not otherwise appropriated,) for each mile of said road, from and after the time said counties, through which said road runs, shall notify the Commissioner of the State Land Office of the selection of the same, and said lands be so withheld from sale for the period of six years from the passage of this act.

Sec. 2. Section five of said act is hereby amended so as to read as follows:

Sec. 5. Said road shall be completed within six years from When road to be completed. the passage of this act.

Approved February 20, 1865.

[No. 66.]

AN ACT to authorize the Niles hydraulic and manufacturing company to increase their capital stock.

SECTION 1. *The People of the State of Michigan enact, That the* stockholders of the Niles hydraulic company be and they are Increase of capital authorized hereby authorized to increase the capital stock of said company, so that the same shall not exceed one hundred and fifty thousand dollars.

Sec. 2. This act shall take immediate effect.

Approved February 20, 1865.

[No. 67.]

AN ACT to allow increased rates of fare for passengers on railroads in the Upper Peninsula, for a limited period.

SECTION 1. *The People of the State of Michigan enact, That all* increase of rates of fare authorized. *railroad companies now existing, or hereafter organized, whose lines of road lie in the Upper Peninsula of Michigan, in whole or in part, shall have the right, for three years after this act shall take effect, to charge and collect fares from passengers traveling in their cars at the rate of four cents per mile, on such portions of their respective roads as may lie in said Upper Peninsula, any law of this State to the contrary notwithstanding.*

Approved February 20, 1865.

[No. 68.]

AN ACT for the relief of the Corlies and Thunder Bay train railway company.

SECTION 1. *The People of the State of Michigan enact, That* Company authorized to use steam *the Corlies and Thunder Bay train railway company may and they are hereby fully authorized to use steam power, as usually applied on railroads, as well as horse or other animal power, on their train railway, as said company shall see fit.*

Approved February 20, 1865.

[No. 69.]

AN ACT changing the name of the township of Leonard, in the county of Mecosta, to that of Big Rapids.

SECTION 1. *The People of the State of Michigan enact, That the* Name changed. *name of the township of Leonard, in the county of Mecosta, in this State, be and the same is hereby changed to that of Big Rapids.*

Approved February 22, 1865.

[No. 70.]

AN ACT to provide for the laying out and establishing of a State road, to be known as the Ovid and St. Charles State road, and appropriating certain swamp lands for the construction of the same.

SECTION 1. *The People of the State of Michigan enact, That* there shall be laid out and established, by a commissioner appointed by the Governor, a State road, beginning at the village of Ovid, on the Detroit and Milwaukee railroad, running north through the village of Elsie, thence north by the most eligible route, to intersect with the Ithaca and St. Charles State road, in town ten north, one west. Construction of road authorized.

Sec. 2. That said road be laid out and constructed under the provisions of act one hundred and seventeen, of the session of laws of eighteen hundred and fifty-nine, and the acts amendatory thereto. Constructed under provisions of former acts.

Sec. 3. To secure the construction of said road, there is hereby appropriated an average of six hundred and forty acres of State swamp land to the mile, to be expended under the provisions of said act and the acts amendatory thereto: *Provided*, Said lands shall be selected from the counties through which said road runs. Appropriation. Proviso.

Approved February 22, 1865.

[No. 71.]

AN ACT to extend to actual settlers on the public lands certain rights and privileges as freeholders.

SECTION 1. *The People of the State of Michigan enact, That* every qualified elector of this State, being at the time an actual settler and occupant on lands, under chapter eighty-two of the compiled laws of this State, or under the provisions of an act entitled "an act to provide for the sale of the swamp lands, and the reclamation thereof, and to secure the preëmption claims of actual settlers thereon," approved February fourth, eighteen hundred and fifty-eight, and the act amendatory thereof, ap- Freeholders]

For what
purpose.

proved February eleventh, eighteen hundred and fifty-nine, or under the provisions of an act entitled "an act to provide for the settlement and drainage of the swamp lands by actual settlers," approved February fifteenth, eighteen hundred and fifty-nine, and the act amendatory thereof, approved March seventh, eighteen hundred and sixty-one, or under the provisions of an act of Congress entitled "an act to secure homesteads to actual settlers on the public domain," approved May twentieth, eighteen hundred and sixty-two, shall and every such person is hereby declared to be a freeholder for the following purposes, that is to say: for all purposes of township organization whatsoever, and also for all purposes of applying for, laying out, establishing, altering, discontinuing, or appraising damages on any public or private highway of the county in which such person may reside.

Approved February 22, 1865.

[No. 72.]

AN ACT to amend an act entitled "an act to incorporate the city of Jackson," approved February fourteenth, eighteen hundred and fifty-seven.

Sections
amended:

SECTION 1. *The People of the State of Michigan enact, That* sections seventeen, thirty-three and thirty-four of an act entitled "an act to incorporate the city of Jackson," approved February fourteenth, eighteen hundred and fifty-seven, be and the same are hereby amended so as to read as follows:

Streets,
opening,
etc

Sec. 17. The common council shall have power and authority to lay out and establish, open, make, grade and repair such streets, lanes and alleys, squares, market places and public parks in said city, as they shall deem necessary, and the same to alter, and to alter those already laid out; and if in the doing thereof, they shall require, for such purpose, the grounds of any person or persons, they shall give notice thereof to the owner or parties interested, or his or their agent or representative, by personal service, or by publication in some one of the

Proceedings
when pri-
vate prop-
erty is taken.

newspapers published in said city, at least three weeks next preceding the meeting of the common council at which action is to be had in regard to the same, and the said common council are hereby authorized to treat with such person or persons for such grounds or premises; and if such person or persons shall refuse to treat for the same, or if the parties cannot agree therefor, it shall be lawful for the said common council to direct the recorder of said city to issue a precept, under his hand and the seal of the said city, in the nature of a *venire facias*, to command the marshal, or any constable of said city, to summon and return a jury of twelve disinterested freeholders of said city, to appear before said recorder at any time therein to be stated, to inquire into and assess the damages and recompense due to the owner or owners of, or parties interested in, such grounds or premises, which jury, being first duly sworn by said recorder faithfully and impartially to inquire into and assess the damages in question, and having viewed the premises, if necessary, shall inquire of and assess such damages and recompense as they shall deem fit to be awarded to the owner or owners of, or parties interested in, such grounds or premises, for their respective losses, according to the several interests and estates therein, and the said recorder shall, upon the return of such assessment, enter judgment thereon confirming the same; and all such sum or sums so assessed, together with all costs, shall be paid or tendered before such street, lane or alley, square or market place, or public park, shall be made, opened, established or altered, to the claimant or claimants thereof, if a resident of the city, and if not, to be paid into the treasury of the city, for the use of such claimant; but if such jury shall find that the claimant is not entitled to any damages, then it shall be competent for said recorder to render judgment against said claimant for the costs, and to issue execution therefor; and in either case it shall thereupon be lawful for the common council to cause the said grounds or premises to be converted to and used for the purposes aforesaid; that in case the common council shall deem it necessary to alter or change

Jury may be summoned.

Damages, assessment

Damages to be tendered before opening street.

Proceedings when claimant is not entitled to damages.

Change of grade.

Notice
thereof.

Proceedings
upon claim
of damages.

Appeal.

the grade of any street, the grade of which has been heretofore, or shall be hereafter fixed or established, notice of the intention to make such change or alteration, and of the time when action will be had thereon, shall be given to the persons owning property on the line of such street in the same manner, and for the same length of time, as is required in cases where the grounds of any person or persons are required for public use, for any of the purposes in this section mentioned; that at the time at which it is proposed to take such action, the common council shall produce and exhibit a profile, showing what change it is proposed to make in the established grade of such street, and how much such change will cut down or fill up the same; and if any person owning any property thereon shall appear before the common council and object to the alteration of the established grade of such street, and shall claim damages if such change is effected, the common council may treat with such person or persons for the amount of damages that shall be allowed and paid for the change of the grade of such street, and if the same is not settled by the common council with such person or persons, it shall be lawful and necessary, before any alteration or change is made in such grade, to summon a jury to inquire into and assess the damage and recompense that ought to be paid to any person or persons who may so object to such alteration, in the same manner as is herein provided in cases where the grounds of any person or persons are to be taken for public use; and the same proceedings shall be had thereon (as in those cases) to ascertain the amount of such damages, and to render judgment thereon; and the sum or sums so assessed shall be paid or legally tendered, as provided in this section, before the commencement of the work to make the change in the grade of any such street: *Provided*, That any party claiming damages may have the right to remove such proceedings, by appeal, to the circuit court for said county of Jackson, upon giving notice of his or their intention so to do, to said recorder, in writing, within ten days, or in case of the absence of the said party

from the city, within thirty days after the assessment aforesaid, and the judgment of said recorder thereon, first giving bond, with two sufficient sureties, to be approved by the recorder, conditioned to pay all costs which may be awarded against him in said circuit court; but no appeal, supersedeas, injunction, or any other process or proceeding, from any court whatever, shall prevent the immediate making, laying out, opening, establishing or altering such street, lane, alley, square, market place or public park as aforesaid, or making any change or alteration in the established grade of any street, the grade of which has been heretofore, or which may hereafter be established; and ^{Proceedings upon appeal.} upon filing a transcript of the proceedings aforesaid, within forty days after the judgments confirming such assessments in the said circuit court, duly certified by the recorder of said city, the same proceedings shall be had as are prescribed by law in cases of appeals from justices of the peace: ^{Costs.} *Provided*, That if the final judgment of said circuit court shall not exceed the damages assessed by said jury, and confirmed by the judgment of said recorder, the party appealing shall pay all costs occasioned by such appeal.

Sec. 33. It shall be the duty of the recorder, under the directions of the common council, whenever the city assessment ^{Recorder to make tax roll.} roll shall have been completed in each and every year, to assess the taxes that have been levied by the common council for the year, upon the taxable property of the city, according and in proportion to the individual and particular estimate and valuation, as specified in the assessment roll of the city for the year; he shall thereupon deliver to the city treasurer a copy of ^{Form of roll.} said assessment roll, with the taxes for the year annexed to each valuation, and carried out in a column thereof, and if there be other taxes assessed than for the expenses of the city, they shall be carried out in separate columns, and carry out the total amount of taxes in the last column of said roll; that thereupon ^{Notice of treasurer.} the treasurer shall give notice to the tax payers of said city, that the assessment roll has been delivered to him, and that taxes therein assessed can be paid to him at his office in said

city, at any time within thirty days after the giving of such notice, without any charge or per centage for the collection thereof, which notice shall be given by publishing the same in each newspaper published in said city, and by posting the same in at least three public places in each of the wards of said city, and an affidavit or affidavits showing the publication and posting of said notices, shall be filed in the office of the recorder

Warrant of
treasurer.

of said city; that immediately after the expiration of the time mentioned in said notice, the recorder shall deliver to the city treasurer a warrant, under the hands of the recorder and mayor, and the seal of said city, commanding the treasurer to collect, from the several persons named in said roll whose taxes remain unpaid, the several sums mentioned in the last column thereof, opposite their respective names, and in addition thereto such sum, not exceeding ten per cent., as the common council may direct, for collecting expenses, on or before the day specified in such warrant, and it shall authorize the treasurer, in case any person shall neglect or refuse to pay his tax and the said collecting expenses, to levy the same by distress and sale of the goods and chattels of such person.

Collecting
expenses.

Treasurer
to collect
taxes.

Sec. 84. The treasurer, upon receiving the tax roll, shall give the notice specified in the next preceding section, and shall cause affidavits of the publication and posting thereof to be filed in the office of the recorder of said city, and after the receipt of the warrant mentioned in said section, he shall proceed to collect the taxes therein mentioned that remain unpaid, and shall call upon each person whose taxes remain unpaid, if a resident of the city, at least once, and demand payment of the taxes charged to him upon said roll, and the per centage for the collection of the same, and in case of a refusal or neglect to pay such taxes and collection per centage, the treasurer shall levy the same by distress and sale of the goods and chattels of every such person, wherever found within the city, and may take any property that can be taken by township treasurers in the collection of taxes; he shall give the same notice, and sell in the same manner, as township treasurers are required to do

Levy by dis-
tress and
sale.

Notice of
sale.

in the collection of taxes, and any surplus shall be returned to the person in whose possession said property was when the distress was made; the said treasurer shall, within ten days after the time mentioned in his warrant for the collection of said unpaid taxes, return said tax roll into the office of the recorder, and in case any of the taxes mentioned in said roll shall remain unpaid, and he shall be unable to collect the same, he shall make out a statement of the taxes remaining unpaid and due, with a full and perfect description of such premises from said roll, and shall attach thereto an affidavit that the sums mentioned in said statement remain unpaid, and that he has not, upon diligent inquiry, been able to discover any goods or chattels belonging to the person charged with or liable to pay such tax.

Sec. 2. This act shall take immediate effect.

Approved February 22, 1865.

[No. 73.]

AN ACT to legalize certain bonds, issued by the board of supervisors of the county of Saginaw, for the relief of families of volunteers.

SECTION 1. *The People of the State of Michigan enact, That* the bonds of the county of Saginaw, issued, or to be issued, pursuant to a resolution of the board of supervisors, adopted at their October session in eighteen hundred and sixty-four, and under the provisions of act number one hundred and seventy-three of the session laws of eighteen hundred and sixty-three, for the sum of twenty thousand dollars, to mature March first, eighteen hundred and seventy-five, are hereby legalized and made valid, as though said bonds matured within the time prescribed in said act number one hundred and seventy-three.

Sec. 2. This act shall take immediate effect.

Approved February 22, 1865.

[No. 74.]

AN ACT to amend an act entitled, "an act to incorporate the city of Owosso," approved February fifteenth, eighteen hundred fifty-nine.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact, That* sections six, twenty-two, twenty-four, twenty-five, fifty-nine, sixty, sixty-three, sixty-seven, ninety-four, one hundred fifty-eight, one hundred fifty-nine, of an act entitled "an act to incorporate the city of Owosso," approved February fifteenth, eighteen hundred fifty-nine, be and are hereby amended so as to read as follows:

Annual elec-
tions.

Sec. 6. An election shall be held in each ward annually, on the first Monday in March, at such place as the common council shall appoint, by posting written or printed notices of the holding of said election, in at least three of the most public places in each ward, at least six days previous to said election.

When term
of office to
commence.

Sec. 22. All officers, elected as hereinbefore provided, shall enter upon the duties of their respective offices on the first Monday of April next following such election, except as hereinafter provided: *Provided*, The officers who shall be elected, under the provisions of this act, on the first Monday of March, eighteen hundred and sixty-five, to offices then held by incumbents heretofore elected, shall not assume the duties of their offices until the first Monday of May, eighteen hundred and sixty-five, and shall hold their offices only until the first Monday of April of the year in which their offices would expire by the provisions of the act of which this act is amendatory.

Proviso.

Election to
fill vacancy.

Sec. 24. Whenever a vacancy occurs in the office of alderman, by his refusal or neglect to take the oath of office within the time required by this act, by his resignation, death, ceasing to be an inhabitant of the city or ward for which he shall have been elected, removed from office, or by the decision of a competent tribunal, declaring void his election, or for any other cause, the common council of said city shall immediately appoint a special election, to be held in the ward for which such

officer was chosen, at some suitable place therein, not less than five days, nor more than fifteen days from the time of such appointment: *Provided*, That in case any vacancy shall occur in ^{Proviso.} the said office of alderman, within three months before the first Monday of March in any year, it shall be optional with the common council to order a special election or not, as they shall deem expedient.

Sec. 25. In case a vacancy shall occur in any of the offices ^{Vacancies filled by ap-} in this act declared to be elective or appointive, except alder- ^{pointment.} man, the common council may, in their discretion, fill such vacancy by the appointment of a suitable person, who is an elector, and if appointed for a ward, who is also a resident of the ward for which he shall be appointed; and any officer ap- ^{Term.} pointed to fill a vacancy, if the office is elective, shall hold, by virtue of such appointment, only until the first Monday of April next succeeding; if an elective office, which shall have become vacant, was one of that class whose terms of office continue after the next annual election, a successor, for the unexpired term, shall be elected at the next annual election.

Sec. 59. On the last Tuesday in the month of March in ^{Council to} each year, the common council shall audit and settle the ac- ^{audit ac-} counts of the city treasurer, and the accounts of all other officers and persons having claims against the city, or accounts with it, and shall make out a statement in detail of the re- ^{Statement} cepts and expenditures of the corporation during the preced- ^{of finances.} ing year, in which statement shall be clearly and distinctly specified the several items of expenditure made by the common council, the objects and purposes for which the same were made, and the amount of money expended under each; the amount of taxes raised for the general contingent expenses; the amount raised for lighting and watching the city; the amount of highway taxes and assessments for opening, paving, planking, repairing, and altering streets and buildings, and repairing bridges; the amount borrowed on the credit of the city, and the terms on which the same was obtained; and such

other information as shall be necessary to a full understanding of the financial concerns of the city.

Statement
to be pub-
lished.

Sec. 60. The said statement shall be signed by the mayor and clerk, and filed with the papers of the city; the same shall be published by the clerk, at the expense of the city, in some newspaper thereof, to be designated by the common council, previous to the first day of April thereafter.

Duties of al-
dermen.

Sec. 63. It shall be the duty of every alderman in said city to attend the regular and special meetings of the common council; to act upon committees, when thereunto appointed by the mayor or common council; to order the arrest of all persons violating the laws of this State, or the ordinances, by-laws or police regulations of said city; to report to the mayor all subordinate officers who are guilty of any official misconduct, or neglect of duty; to maintain peace and good order, and to perform all other duties required of them by this act; and the common council shall have power, by the concurrent vote of a majority of its members, to remove from office any alderman who shall neglect or fail to attend two successive meetings of the common council, whether they be regular or special meetings; notice shall be given the party of the proposal to remove him, and he shall have an opportunity to be heard in his defense. For habitual neglect of any alderman to attend the regular or special meetings of the common council, he shall also be liable to a penalty of fifteen dollars, to be recovered by an action of debt, in the name of the city of Owosso, before any justice of the peace of said city, together with the costs of prosecution; such action shall be instituted by the city attorney, under the direction of the mayor; the penalty recovered in such action shall be paid into the city treasury.

May be re-
moved.

Fine for
neglect of
duty.

Treasurer,
duties of.

Sec. 67. The treasurer shall receive all moneys belonging to the city, and shall deposit and keep the same as directed by the common council, and shall keep an account of all receipts and expenditures, in such manner as the common council shall direct; all moneys drawn from the treasury shall be drawn in pursuance of an order of the common council, by warrant

signed by the clerk, and countersigned by the auditor; such warrant shall specify for what purpose the amount named therein is to be paid; and the clerk shall keep an accurate account, under appropriate heads, of all expenditures, all orders drawn upon the treasury, in a check book, to be kept by him for that purpose; the books and accounts of the treasurer shall, at reasonable hours, be open to the inspection of any elector of said city; the treasurer shall exhibit to the common council, at the last regular meeting in the month of March, a full and fair account of the receipts and expenditures after the date of his or the last annual report, and also the state of the treasury, which account shall be referred to a committee for examination, and if found to be correct, shall be filed and published in the same manner as provided for in section forty-one of this act.

Account of expenditures.

Annual report of treasurer.

Assessments

Sec. 94. The supervisor of each judicial district shall, in each and every year, make and complete the assessment of all the real and personal property within each judicial district of said city, in the same manner as required by law for the assessment of property in the several townships of this State; and in so doing shall conform to the provisions of law governing the action of supervisors of the several townships of this State, performing like services, and in all other respects within said city shall, unless when otherwise provided in this act, conform to the provisions of law governing the action of supervisors in the several townships of this State in the assessment of property and levying of taxes; but they shall make and complete the assessment of the real and personal property within each judicial district in said city before the fourth Monday in April, and for that purpose shall call upon each taxable person and furnish him a blank form, as required by law for the assessment of property in the townships, on or before the second Monday in April. It shall be the duty of the supervisors of the several judicial districts of said city to meet at the clerk's office, on the Saturday next preceding the fourth Monday in April of each year, who shall be a board for the purpose of re-

Board of review.

viewing, correcting, equalizing and completing the assessments for said city. The said supervisors shall also, in each year, within twenty days after the time required by law for completing their assessment rolls, make and file with the city clerk of said city a true and certified copy of the assessment roll for such year, and such city clerk shall receive and file the same in his office.

Copy of assessment to be filed with clerk.

Sec. 158. The supervisors of each district of said city shall, on or before the fifteenth day of April, in each year, furnish the common council with a list, subscribed by them, of the names of all the inhabitants of each ward in his district who are liable to be assessed for highway taxes.

List of persons liable to highway tax.

Sec. 159. The common council shall, in the month of April, in each year, make out from the assessment roll, in said city, a separate list and statement of the value of all the taxable personal property, and a description of all lots or parcels of land within each highway district in said city, inserting in a separate part of said list descriptions of lands and tenements owned by non-residents of the city, with the value of each lot or parcel, set down opposite to such description, as the same shall appear on the assessment roll; and if such lot or tract was not separately described in such roll, then in proportion to the valuation which shall have been affixed to the whole tract of which such lot or parcel forms a part.

List of taxable personal property.

Lots, etc.

Non-resident lands.

Sec. 2. This act shall take immediate effect.

Approved February 22, 1865.

[No. 75.]

AN ACT to authorize the village of Jonesville, in the county of Hillsdale, to borrow money for the purposes therein mentioned.

Issue of bonds authorized.

SECTION 1. *The People of the State of Michigan enact, That* the common council of the village of Jonesville be authorized and empowered to borrow, on the faith and credit of said village, a sum not exceeding eight thousand dollars, for a term

not exceeding twenty years, and at a rate of interest not exceeding seven per cent. per annum, and to execute the bonds of the village therefor, under the seal of said village, in such manner as the common council shall determine, but said bonds shall not be disposed of at a less sum than their par value.

Sec. 2. That for the purpose of determining whether such ^{Vote upon loan.} loan shall be made, the common council may, at any annual village election, or at any special election, (called for that purpose,) provide for a vote thereon by ballot; and every ballot in favor of said loan shall have written or printed on it the word "loan," and every ballot against it shall have written or printed on it the words "no loan." Notice of the time and place of hold- ^{Notice of election.} ing such election shall be given by publication in a newspaper printed in said village for fifteen days previous to said election, or by posting in five of the most public places in said village, for the same length of time, and said election shall be conducted in all respects as other village elections. The board ^{Certificate of election.} shall file a certificate of the result of said election with the recorder of said village, and no such loan shall be made unless a majority of the lawful voters vote therefor.

Sec. 3. The common council of said village are required to ^{Payment of loan.} provide for the payment of such loan, in the same manner as for other debts of said village: *Provided*, There may be raised ^{Proviso.} to pay said loan, in any one year, not more than one-fourth of one per cent. per annum on the taxable property of said village, in addition to the amount now authorized to be raised.

Sec. 4. The money so borrowed shall be expended in the ^{Money, how expended.} erection of a building for a village hall, and such other uses as shall be ordered by the common council of said village.

Sec. 5. This act shall take immediate effect.

Approved February 24, 1865.

[No. 76.]

AN ACT to authorize school district number four, in the township of Pulaski, in the county of Jackson, to issue bonds.

Issue of
bonds au-
thorized.

SECTION 1. *The People of the State of Michigan enact, That* school district number four, in the township of Pulaski, in the county of Jackson, is hereby authorized to issue bonds in such sums, and for such amounts, not exceeding five thousand dollars, and drawing not exceeding ten per cent. interest, as such school district shall, at any annual or special meeting, direct, by a majority of the legal voters of said district there assembled: *Provided, The meeting at which such bonds shall be authorized shall be called in the manner now provided by law.*

Proviso.

Sec. 2. This act shall take immediate effect.

Approved February 28, 1865.

[No. 77.]

AN ACT to legalize the tax roll of the township of Brooks, in the county of Newaygo, for the year eighteen hundred and sixty-four.

Tax roll le-
galized

SECTION 1. *The People of the State of Michigan enact, That the* tax roll for the year eighteen hundred and sixty-four, for the township of Brooks, in the county of Newaygo, as made out by the supervisor of said township, be hereby declared as valid and legal as though the supervisor had entered all the descriptions on said tax roll within the time prescribed by law for making out the same, and the treasurer of said township is hereby authorized and empowered to collect the taxes on said roll, and make the returns thereof.

Sec. 2. This act shall take immediate effect.

Approved February 28, 1865.

[No. 78.]

AN ACT to establish a police government for the city of Detroit.

SECTION 1. *The People of the State of Michigan enact, That all powers and duties connected with and incident to the police government and discipline of the city of Detroit shall be, as hereinafter more especially provided, vested in and exercised by a board of metropolitan police, composed of four commissioners of metropolitan police, and by a superintendent of metropolitan police, one or more captains of metropolitan police, sergeants of metropolitan police, and patrolmen of metropolitan police. A majority of said board shall constitute a quorum for the transaction of business.* Police powers, in whom vested.

Sec. 2. There are hereby appointed, as such commissioners of metropolitan police, Jacob S. Farrand, to hold office until the first day of February, one thousand eight hundred and seventy-three, Lorenzo M. Mason, to hold office until the first day of February, one thousand eight hundred and seventy-one, John J. Bagley, to hold office until the first day of February, one thousand eight hundred and sixty-nine, Alexander Lewis, to hold office until the first day of February, one thousand eight hundred and sixty-seven, and until their successors are chosen and qualified. Commissioners.

Sec. 3. The term of office of each commissioner of metropolitan police, after the respective determinations of the terms aforesaid, shall be eight years, and the Governor shall nominate, and by and with the advice and consent of the Senate, shall appoint from the citizens of Detroit, who shall be freeholders, a successor to the person whose term shall be about to expire as such commissioner. Any vacancy occurring during the term of any commissioner shall be filled by appointment of the Governor, and the commissioner so appointed shall continue in office until his successor shall be appointed in manner aforesaid. Term of office of commissioners. Vacancies.

Sec. 4. The persons severally appointed commissioners of metropolitan police by virtue of this act shall, before exercising Oath of office.

Certificate
of appoint-
ment.

the duties thereof, duly take, and file in the office of the Secretary of State, the oath of office prescribed for State officers. Immediately upon receiving said oath of office, the Secretary of State shall give to each commissioner a certificate of his appointment, whereupon he shall possess the power, and exercise the duties, of commissioner of metropolitan police prescribed by this act.

Powers of
board.

Sec. 5. The said board of metropolitan police shall have power to appoint a superintendent of the police force, a captain of police, and one captain in addition for each fifty patrolmen called into service more than the first fifty, and four sergeants of police to each fifty patrolmen, and also fifty regular or compensated patrolmen, and as many patrolmen without compensation, in time of special emergency, or apprehended danger from riot or other cause of alarm, as they shall deem expedient. Said board shall also have power, for cause to be assigned, on a public hearing and on due notice, according to rules to be promulgated by them, to remove or suspend from office, or for a definite time deprive from pay, any member of such police force; to make rules and regulations for the discipline and government of said force, and shall cause the same to be published; and to make and promulgate general and special orders to the police force, through the superintendent of police, who shall be the executive head of the metropolitan police force.

Officers of.

Sec. 6. The said board shall appoint one of their own number to act as president, and some other person to act as secretary; and the secretary shall receive such annual salary as may be determined upon by the board of police.

To have con-
trol of po-
lice force,
etc.

Sec. 7. Said board shall assume and exercise the entire control of the police force of said city, and shall possess full power and authority over the police organization, government, appointments and discipline within said city. It shall have the custody and control of all public property, books, records and equipments belonging to the police department, and shall have power to erect and maintain all such lines of telegraph in such places within the said city as for purposes of police the board.

shall deem necessary, whenever the common council shall authorize the establishment of such telegraph line or lines, and provide for the cost thereof.

Sec. 8. It shall be the duty of the board of police and of the force hereby constituted, at all times of the day and night, ^{To preserve public peace, etc.} within the boundaries of the said city of Detroit, to preserve the public peace, to prevent crime and arrest offenders, to protect rights of persons and property, to guard the public health, to preserve order, to remove nuisances existing in public streets, roads, places and highways, to report all leaks or other defects in water-pipes and sewers to the proper authorities, to provide a proper force at every public fire, in order that ^{Arrest of criminals.} thereby the firemen and property may be protected, to protect strangers and travelers at steamboat and ship landings, and railway stations, and generally to obey and enforce all ordinances of the common council, and the license laws of said city. Whenever any crime shall be committed in said city, and the person or persons accused or suspected of being guilty shall flee from justice, the said board of police may, in their discretion, authorize any person or persons to pursue and arrest such accused or suspected person or persons, and return them to the proper criminal court having jurisdiction of the offense for trial.

Sec. 9. The qualifications, enumeration and distribution of ^{Qualifications of police force.} duties, mode of trial and removal from office of each officer of said police force, shall be particularly defined and prescribed by rules and regulations of the board of police; and no person shall be appointed to, or hold office in, the police force aforesaid, who is not a citizen of the United States, or who shall not have resided within the State of Michigan two years next preceding his appointment, or who cannot read and write the English language, or who shall ever have been convicted of crime: *And provided,* That no person shall be removed there- ^{Removal.} from except upon written charges preferred against him to the board of police, and after an opportunity shall have been afforded him of being heard in his defense; but the board of

police shall have power to suspend any member of the police department of the city, pending the hearing of the charges preferred against him: *And provided*, That whenever any vacancy shall occur in the office of captain of police, the same shall be filled by an appointment from among the persons then in office as sergeants of police, and a like vacancy in the office of sergeants of police shall be filled by appointment from among the persons then in office as police patrolmen. The police commissioners shall receive no compensation whatever for their services during their term of office; the superintendent of police shall receive a salary of not exceeding fifteen hundred dollars per annum; each captain shall receive a salary of not exceeding one thousand dollars per annum; and each sergeant a salary of not exceeding nine hundred dollars, as the board of metropolitan police shall prescribe; the pay of each police patrolman shall be fixed by the said board of metropolitan police, but the same shall not exceed the sum of eight hundred dollars per annum. The salaries shall be paid monthly to each person entitled thereto. No member of the board of police, or of the police force, shall receive or share in, for his own benefit, under any pretense whatever, any present, fee, gift or emolument, for police service, other than the regular salary and pay provided by this section, except by the unanimous consent of the board of metropolitan police; nor shall any such member receive or share in any fee, gift or reward from any person who may become bail for the appearance of any arrested, accused or convicted person, or who may become surety for any such person, on appeal from the judgment or decision of any court or magistrate, or any fee, gift or reward, in any case, from any attorney-at-law, who may prosecute or defend any person arrested or prosecuted for any offence within the county of Wayne; nor shall any such member, either directly or indirectly, interest himself, or interfere in any manner whatever in the employment or retainer of any attorney to aid in the defense of persons arrested or accused; and for any violation

Vacancies,
how filled.

Compensation
of commissioners.

Of superintendent.

Of captains.

Of patrolmen.

Presents,
fees, etc.,

Not to interfere in
employment of
attorney.

of either of the foregoing provisions, the officer so offending shall be immediately removed from office.

Sec. 10. Any citizen of Detroit, with a view to the trial and Complaints against officers and policemen. suspension, or removal from office, of any officer or patrolmen of the police force, may, on oath, in writing, prefer or make before the board charges or complaint touching the character and competency, or affecting the acts, conduct or omission of such officer or policeman, or for violation of, or misconduct, as defined or prescribed by the rules and regulations of the board; and Trial said board, after reasonable notice, in the discretion of the board, to the person charged, shall proceed to the trial of said officer or policeman on such charges or complaint, and shall have power to, and shall issue subpoenas, tested in the name of the president of the board, to compel the attendance of witnesses, to administer oaths and affirmations, and generally shall, for the purposes of such trial, have and exercise the powers and duties of justices of the peace in civil cases, so far as the same are applicable, and may make an order of removal or suspension for some certain period. If, on such trial, said charges Costs. or complaint shall be sustained, such officer or policeman shall pay the costs of such proceedings, and the same may be deducted and withheld from his pay, and in case of his suspension his pay shall also cease from the date of the charge, and during the period of suspension. In trials under this section How taxed and collected the same costs shall be charged and taxed as in trials before justices, and be collected on execution, as the case may be, from the court, or on execution, to be issued by any justice of the peace, on certificate of the same by the board, and order for execution, said costs, when collected, to be paid to the treasurer of the board, for the benefit of those concerned; but the said board shall not tax or receive any fees for themselves, or for any member thereof.

Sec. 11. All rewards, fees, proceeds of gifts and emoluments, Police life and health insurance fund. that may be allowed by the board of police to be paid and given for or on account of extraordinary services of any member of the police force, and all moneys arising from the sale of

unclaimed goods, shall be paid into the city treasury, and shall constitute a fund to be called the "police life and health insurance fund;" and the persons who shall, from time to time, fill the office of president of the board of police, and that of the comptroller of the city of Detroit, are hereby declared the trustees of said fund, and may invest the same as they shall see fit, either in whole or in part, and shall have power to draw the same from the treasury for that purpose.

Expenses
during dis-
ability may
be paid
from.

Sec. 12. Whenever any member of the police force, in actual performance of his duty, and in consequence of the performance of such duty, shall become bodily disabled, his necessary expenses, during the time his disabilities as aforesaid continue, and consequent thereon, may become a charge upon the fund provided for in the preceding section, at the discretion of the said board of police. The board shall inquire into the circumstances, and if satisfied the charge upon said fund is correct, may order the same to be paid by the draft of the said trustees upon the said fund, each writing his signature thereto; but the provisions of this section shall not apply to special patrolmen appointed as hereinafter provided, at the request and expense of private parties.

Bowers of
police force

Sec. 13. The members of the police force of said city of Detroit shall possess all the common law and statutory powers of constables, except for the service of civil process, and any warrant for search or arrest, by any magistrate of the State of Michigan, may be executed in any part of the county of Wayne, by any member of the police force of said city of Detroit, without any backing or endorsement of the said warrant, and according to the terms thereof.

Measures for
prevention
of felonies.

The superintendent, deputy superintendent, or any captain of police, having just cause to suspect that any felony is being or is about to be committed within any building, public or private, or on any wharf, or enclosure, or on board of any ship, boat or vessel within the said city of Detroit, may enter the same at all hours of the day and night, to take all necessary measures for the effectual prevention or detection of all felonies, and may take then and there

into custody all persons suspected of being concerned in such felonies, and also may take charge of all property which he or they shall have then and there just cause to suspect has been stolen. The members of said police force shall also serve or execute any criminal process issued by the recorder's court, or the police court of said city, or either of the justices thereof.

Sec. 14. If the superintendent of police shall report, in writing, to the board of police that there are good grounds for believing any house or room within the said city of Detroit is kept or used as a common gambling house or cockpit, or as a place for harboring criminals, or concealing stolen goods, and if two or more householders, dwelling within the said city and not belonging to the police force, shall make oath, in writing, before any one of the commissioners of police, to be annexed to said report, (which oath every commissioner of police is hereby empowered to administer, receive and subscribe,) that the premises complained of by the superintendent are commonly reported, and are believed by the deponents to be kept as a common gambling house or cockpit, or place for harboring or concealing stolen goods, it shall be lawful for any commissioner of police, by order, in writing, to authorize the superintendent, or the deputy superintendent of police, to enter upon such premises, taking with him or them such members of the patrol force as shall be necessary, and if necessary to use force for the purpose of effecting such entry, whether by breaking open doors or otherwise; and the said superintendent shall be authorized to take into custody all persons who shall be found therein, and to destroy all implements of gambling found therein, and shall forthwith convey the person or persons found therein before the police justice in said city, who shall forthwith proceed to hear the proof, and if there be probable cause for believing that such person or persons have been guilty of any crime or misdemeanor, then the said magistrate shall forthwith order such person or persons to find good bail, with two householders of said city of Detroit as his or their

Criminal
process, ser-
vice of.

Gambling
houses, etc.,
proceedings
against.

Proceedings
against per-
sons found
therein.

sureties, conditioned for his or their appearance at the proper criminal court, to answer any indictment or information which may be found or presented, and in default thereof, such magistrate shall commit such person or persons to the county jail.

Police precincts.

Sec. 15. It is hereby made the duty of the board of police, for more effectually distributing and enforcing its police government and discipline, to divide the said city of Detroit into precincts, without regard to ward boundaries, and to assign captains of police, and sergeants of police, to each of the said precincts, as they shall deem for the best interests of said city.

Stations.

The board may, from time to time, establish a station or sub-station in each precinct or division, for the accommodation of the police force on duty therein. It shall promulgate all regulations and orders through the superintendent of police; and it shall be the duty of the police force to respect and obey the said superintendent, as the head and chief of the same, subject to the rules and regulations and general orders of the board.

Promulgation of orders through superintendent.

Special police.

Sec. 16. The board of police is hereby authorized to appoint persons of suitable character, who may be in the employment of the city in other branches or departments, special policemen or patrolmen: *Provided*, Such special policemen shall not be paid for their services as policemen, either from the police fund or the city or county treasury. Such policemen shall possess the same power as the regular police patrolmen, and shall obey the rules and regulations of the board, and conform to its general discipline.

Compensation and powers of.

Patrolmen for private service.

Sec. 17. The board of police, whenever it shall see fit, may, on the application of any person or persons showing the necessities thereof, appoint and swear in any number of additional patrolmen to do duty at any place within the city of Detroit, at the charge and expense of the person or persons by whom the application shall be made, and the patrolmen so appointed shall be subject to the orders of the board of police, and shall obey the rules and regulations of the board, and conform to its general discipline, and to such other special regulations as may be made, and shall wear such dress or emblem

Duties and powers of.

as the board may direct, and shall, during the term of their holding appointment, possess all the powers, privileges and duties of the patrol force herein prescribed: *Provided, how-*^{Proviso.}
ever, That the party so applying for such appointment shall have first paid into the trust fund, hereinbefore provided for, the sum of five dollars for each special patrolman thus appointed. The persons so appointed may be removed at any time by the board of police, without assigning cause therefor.^{Patrolmen in case of riots, elections, etc.}
 The board of police may also, upon any emergency or riot, pestilence, invasion, or during any day of public election or celebration, appoint as many special patrolmen from among the citizens of Detroit as it may deem advisable, and for a specified time; and during the term of service of any such special patrolmen, they shall possess all the powers and privileges,^{Powers and compensation of.} and perform all the duties, of patrolmen of the standing police force of the city, and shall receive such compensation, not exceeding three dollars per day, as the board of commissioners may prescribe: *Provided always,* That nothing herein^{Proviso.} contained shall give said board power to do anything in conflict with the powers of inspectors of election in said city: *Provided further,* That policemen stationed at polls upon election days, shall be subject to all provisions of law relating to the attendance of township constables at the polls on election days.

Sec. 18. No member of the police force, under penalty of forfeiting the pay which may be due to him, shall withdraw or resign from the police force, unless he shall have given one week's notice thereof, in writing, to the superintendent of police; and no person, who shall ever have been removed from the police force established by this act, for cause, shall be re-appointed by the board of police to any office in the said police force.^{Resignation of members.}
^{Persons removed not to be reappointed.}

Sec. 19. All stolen or other property taken by the members of the police force, shall be deposited and kept in a place,^{Stolen property, how disposed of.} and by a person to be designated by the board of police; and in case of the neglect or refusal of any officer to so deposit

the property taken or found in the possession of any person or persons arrested, he shall be deemed guilty of a misdemeanor, and be subject to indictment or information, and be fined in a sum not exceeding three thousand dollars, and in no case less than the value of the property, and be imprisoned in the county jail, not to exceed one year; and the sentence of the court in such cases, shall operate to vacate the office of the person so convicted. Every such article of property shall be entered in a book kept for the purpose, together with the name of the owner, if ascertained, and the name of the place where found, and of the person from whom taken, with the general circumstances, and the date of its receipt, and the name of the officer recording the same. An inventory of all money or other property shall be given to the party from whom the same was taken, and in case the same shall not, within ten days after such arrest and seizure, be claimed by any other person or persons, it shall be delivered to the person from whom the same was taken, and to no other person, either attorney, agent, factor or clerk, except by special order of the board. In case said money or property shall, within said ten days, be claimed by any other person or persons, it shall be retained by said custodian until after the discharge or conviction of the person from whom the same was taken, and if such claimant or claimants shall establish, to the satisfaction of the committing magistrate, that he or they are the rightful owners, the same shall be restored to him or them, unless otherwise directed by the higher court; otherwise, it shall be returned to the accused personally, and not to any attorney, agent, factor or clerk of such accused person, except upon special order of the board, after all liens or claims in favor of the board against the same shall have first been discharged and satisfied. The board of police shall also cause to be kept general complaint books, in which shall be entered every complaint preferred upon personal knowledge of the circumstances thereof, with the name and residence of the complainant. It shall also cause to be kept books for the registry of lost, missing or stolen

Record of.

Inventory.

Proceedings when property is claimed.

Complaint book.

Registry of property lost, etc.

property, for the general convenience of the public, and of the police force of the city. It shall also cause to be kept books of record, wherein shall be entered the name of every member of the police force, with his time and place of nativity, the time and place where he became a citizen, (if he was born out of the United States,) his age, his former occupation, number of family, and the residence thereof, the date of appointment or dismissal from office, with the cause of the latter; and in every such record, sufficient space shall be left against all such entries wherein to make record of the number of arrests made by such members of the police force, or of any special services deemed meritorious by the captains of police. It shall also cause to be kept, in proper books, the accounts of the board, and a record of their proceedings; and they shall preserve and file copies of all bills audited and allowed, and keep an accurate account of all the expenses of the police department. The board of police shall also cause to be kept and bound all police returns and reports.

Sec. 20. It shall be the duty of the board of police to provide, at the expense of said city, all necessary accommodations, within such precincts as shall be contained within the boundaries of said city, for the station-houses required by the board of police for the accommodation of the police force of such precincts, for the lodging of vagrants and disorderly persons, and for the temporary detention of persons arrested for offences. It shall also be the duty of said board of police to furnish the same suitably, and to warm and light the same by day and night; and in every case of arrest, the same shall be made known to the captain or sergeant upon duty in the precinct wherein such arrest was made, by the person making the same, and it shall be the duty of the said captain or sergeant, as soon as practicable after such notice, to make written return thereof, according to the rules and regulations of the board of police, together with the name of the party arrested, the offence, the place of arrest, and the place of detention. All persons arrested by the officers or members of the police force shall be de-

tained, while in their custody, only in the places provided for that purpose; and no trial or examination of any persons arrested shall be held in the office of the superintendent of the police, or of the board. Necessary and usual articles of clothing or personal apparel upon the person, or in the possession of persons arrested and detained, shall not be taken or seized by the police, unless there be reason to suspect that the clothing has been stolen or obtained unlawfully. The board of police shall provide suitable accommodations within said city for the detention of witnesses who are unable to furnish security for their appearance in criminal proceedings, and such accommodations shall be in premises other than those employed for the confinement of persons charged with crime, fraud or disorderly conduct; and it shall be the duty of all magistrates, in committing witnesses, to have regard to the rules and regulations of the board of police in respect to their detention. Every person arrested by the police, charged with the violation of any city ordinance, shall be entitled to give special bail for his appearance to answer to such charge, but no member of the police force shall become or furnish bail for any person arrested.

Expenses of police department to be paid by city. Sec. 21. The necessary expenses incurred in the execution of criminal process, for offenses charged to have been committed in the city of Detroit, and the maintenance of the police department hereby created within the said city of Detroit, shall be a city charge.

Estimate of expenses. Sec. 22. It shall be the duty of the board of police to prepare and submit to the comptroller, on or before the first day of May in every year, an estimate of the whole cost and expenses of providing for and maintaining the police department of said city within the current fiscal year, which estimate shall be in detail, and shall be laid, by the comptroller, before the common council, with his annual estimate; and the same shall be, by the common council of said city, provided for in the general tax assessment, by levy to be laid on said city, and the same shall not require or be conditioned upon the vote of the free-

men of the city. Said money, when collected, shall be paid into ^{Police fund.} the city treasury, and shall be styled the "Detroit metropolitan police fund," and shall be drawn out therefrom, for police purposes of said city, under the fiscal regulations established by this act, and the city treasurer, for the time being, is hereby appointed treasurer of the board of metropolitan police, who shall have power to provide for his compensation from such fund, and require proper security from him.

Sec. 23. All moneys hereafter to be paid to any person or ^{How money paid from.} persons out of the police fund shall be certified by the president or acting president of the board of police to the secretary, who shall draw his warrant on the treasurer therefor, stating therein the fund to which it is chargeable, and the person to whom payable, and such warrant shall be countersigned by the president, or in his absence, by the acting president of the board of police.

Sec. 24. No expenses other than salaries and pay herein provided shall be incurred by the board of police except for rents, ^{Expenses of board, restriction of.} record books, stationery, printing, telegraphing, badges, clubs, and furniture of necessary rooms and stations, advertising, fuel and light, unless the same shall be expressly authorized, and provisions therefor made, as a city charge, by the common council of the city of Detroit, within which the expenditure becomes necessary. The books and accounts kept by said board shall at all times be subject to the inspection of the mayor ^{Books of board to be open to mayor, etc.} and comptroller, and the common council may at any time require any information respecting the same, the disclosure of which will not impair the usefulness and efficiency of the police department.

Sec. 25. The board of police shall at all times cause the ^{Board to enforce city ordinances, etc.} ordinances of the city to be properly enforced, and it shall be the duty of said board, at all times, whenever consistent with the rules and regulations of the board, and with the requirements of this act, to furnish all information desired, and comply with all the requests made by the common council of said city, or by the mayor thereof, to quell riots, suppress insurrections,

May issue
subpoenas.

protect the property and preserve the public tranquility. The board of police shall have the power to issue subpoenas, tested in the name of its president, to compel before it the attendance of witnesses before any proceeding authorized by its rules and regulations.

Administer
oaths.

Each commissioner of police, the superintendent of police, and the secretary of the board of police, are hereby given power to administer, take, receive and subscribe all affirmations and oaths to any witnesses summoned and appearing in any matter or proceeding authorized as aforesaid, or to any depositions necessary by the rules and regulations of the board.

Perjury,
punishment
of.

Any willful and corrupt false swearing by any witness or person making deposition before any of the officers last mentioned, to any material fact, in any necessary proceedings under said rules and regulations, shall be deemed perjury, and punished in the manner now prescribed by law for such offence.

Attachment
of witness
es.

The provisions of law now existing in respect to attachment of witnesses before justices of the peace, and to the compulsory attendance of the said witnesses, to appear and testify before them, are hereby applied to the case of witnesses subpoenaed before the board of police.

Read and
oath of office

Sec. 26. The board of police shall require and make suitable provisions respecting security to be entered into by the superintendent, and by the captains of police, and for the taking, by members of the police force, of an oath of office, and the registry of the certificate of the same in a book, to be kept for that purpose by the board, which oath of office may be taken before any commissioner of police, who is hereby empowered to administer and receive the same.

Report of
superintendant
of police.

Sec. 27. The superintendent of police shall make to the board quarterly reports, in writing, of the state of the police force, with such statistics and suggestions as he may deem advisable for the enforcement of the police government and discipline. The board of police shall, on or before the first Monday in April in each year, report in writing the condition of the police within the said city to the common council.

Sec. 28. No person holding office under this act shall be ^{Officers not} liable to jury duty, or to arrest on civil process, while actually ^{liable to} jury duty. on duty.

Sec. 29. It shall be a misdemeanor, punishable by imprisonment in the county jail not less than one year, nor more than ^{Certain acts declared misdemeanors.} two years, for any person without justifiable or excusable cause, to use personal violence upon any elector in said city of Detroit while attending the polls upon any election day, or upon any member of the police force thereof when in the discharge of his duty, or for any person, not a member of the police force, to falsely represent himself as being such member with a fraudulent design.

Sec. 30. Either of said commissioners of police may at any ^{Removal of} time be removed by the Governor, under the provisions of ^{commissioners.} statutes relating to the removal from office of sheriffs, which provisions are hereby extended so as to relate to each one of the said commissioners, and in all cases where charges are made out against a commissioner, he shall have an opportunity to present evidence in his behalf.

Sec. 31. Any one of the said commissioners, or any member ^{When positions declared vacant.} of the police force, who shall, during his term of office, accept or hold any office elective by the people, or who shall, during his term of office, be publicly nominated for any office elective by the people, and shall not, within ten days succeeding the same, publicly decline the said nomination, shall be, in either case, deemed thereby to have resigned his commission, and to have vacated his office.

Sec. 32. The common council of Detroit are hereby empowered and directed annually to order and cause to be collected ^{Tax for expenses.} and raised by tax upon the estates, real and personal, subject to taxation according to law, within the said city of Detroit, the sums of money as aforesaid annually estimated for the said total expense of the metropolitan police, authorized by this act.

Deputy superintendent.

Sec. 33. In case at any time, or for any cause, the services of a deputy superintendent shall be required, the senior captain of police is hereby authorized to act in that behalf, so long as necessary, and the place of said captain shall be filled, for the time being, by any appointee of the board from the sergeants of police.

Policemen not to enter saloons, etc.

Sec. 34. No policeman or officer of police shall, while on duty, be at liberty to enter any drinking or gaming saloon, or other place where liquors are sold to be drunk on the premises, or house of prostitution, except for the purpose of discharging some of the duties of his office.

Service of criminal process.

Sec. 35. The members of the metropolitan police force shall have the exclusive power, after the organization of said force, and it shall be their duty, to serve all criminal process, within the city of Detroit, issuing from the recorder's court, police court, and courts of justices of the peace within said city, whether directed to constables, the sheriff, or otherwise, and shall also be detailed by the proper officer to attend, instead of constables or deputy sheriffs, all criminal courts of said city.

City marshal, office of abolished

Sec. 36. The offices of city marshal and assistant marshal of the city of Detroit is hereby abolished, and the duties of said office shall hereafter be performed by the superintendent of police, or by the captains and sergeants of police, under his directions, in accordance with the provisions of this act, but this section shall not be operative until the superintendent of police, or captain of police, authorized by this act to be appointed, shall be sworn into office.

Bail of persons committed to house of correction.

Sec. 37. No person committed to the house of correction for want of bail shall be discharged therefrom on bail until the order for such discharge, signed by the officer allowing the bail, together with such original bail bond, approved by the committing magistrate, shall have first been delivered to the superintendent of the house of correction, and said superintendent, on the event of any such bond or bonds becoming forfeited, is hereby authorized and required to prosecute and col-

lect the same, and pay over the amount realized therefrom, in the manner provided by law.

Sec. 38. Sections one, two, three, ~~four~~, five, six, seven, eight ^{Acts re-} and nine, of chapter thirteen, of an act entitled "an act to re-^{pealed.} revise the charter of the city of Detroit," approved February fifth, one thousand eight hundred and fifty-seven, which chapter was added by "an act to amend an act entitled an act to revise the charter of the city of Detroit, approved February fifth, one thousand eight hundred and fifty-seven," approved March twelfth, one thousand eight hundred and sixty-one; also sections one, two and three, of an act entitled "an act to amend an act entitled an act to revise the charter of the city of Detroit, approved February fifth, one thousand eight hundred and fifty-seven," and approved February fourth, one thousand eight hundred and sixty-four, and all acts and parts of acts inconsistent with the provisions of this act, are hereby repealed, such repeal, however, to take effect and become op-^{When opera-}erative only when the board of police appointed by this act ^{tive.} shall be duly organized, and a police force shall be appointed by said board and sworn into office. The president of the ^{Notice of or-}board of metropolitan police shall notify the city marshal and ^{ganization.} assistant marshal in writing, and publish a notice in two daily papers published in Detroit, stating the fact and time, the organization of the said police force, for the purpose of fixing the time when sections thirty-five and thirty-six, and this section, shall become operative.

Sec. 39. This act shall take immediate effect.

Approved February 28, 1865.

[No. 79.]

AN ACT to amend an act entitled "an act to incorporate the city of East Saginaw," approved February fifteenth, eighteen hundred and fifty-nine, as amended by an act entitled "an act to amend sections one, four and five, of title ten, and section six, of title four, and sections five, six, seven and ten, of title five; also by adding a section to said title, to stand as section twenty, and sections thirty-seven, thirty-eight and forty, of title six, of an act to incorporate the city of East Saginaw, approved February fifteenth, eighteen hundred and fifty-nine, approved February twentieth, eighteen hundred and sixty-one.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections one and two, of title one, of an act entitled "an act to incorporate the city of East Saginaw," approved February fifteenth, eighteen hundred and fifty-nine, be amended so as to read as follows:

Boundaries.

SECTION 1. *The People of the State of Michigan enact*, That so much of the township of Buena Vista, in the county of Saginaw, as is embraced in the following boundary, to wit: commencing at a point in the centre of Saginaw river, where the north section line of section eighteen, in township twelve north, of range five east, crosses said river; thence east along said section line to the north-east corner of said section eighteen; thence south along the east section lines of sections eighteen, nineteen and thirty, to the south-east corner of said section thirty, in said township and range; thence west along the south line of said section thirty, to the [south-west corner of said section thirty; thence north on the west section line of said section thirty, to the] south-east corner of the James Riley reservation; thence west along the south line of said James Riley reservation to the center of Saginaw river; thence down Saginaw river to the place of beginning, be and the same is hereby detached and set off from said township, and constituted an incorporated city, by the name of the city of East Saginaw, and by that name may sue and be sued, implead and be impleaded, complain and defend in any court of record, and any other place whatsoever; may have a common seal, and alter it at pleasure;

Name.

Power.

and may take, hold, purchase, lease, convey and dispose of any real, personal, or mixed estate for the use of said corporation.

Sec. 2. Said city shall be divided into three wards, as follows: all that part of said city lying northerly of Genesee street from the river to Jefferson street, from thence northerly of Lapeer street, shall constitute the first ward; all that part of the city lying between the southern boundary of the first ward and a line described as follows: commencing in Saginaw river at the center of Hoyt street, thence easterly along the center of Hoyt street to Genesee street, thence south-easterly along Genesee street to the south line of the Glasby, Gallagher & Little addition, thence easterly on the south line of the Glasby, Gallagher & Little addition to the corporation line, shall constitute the second ward; and all that part of the city lying south of said south boundary line of the second ward, shall constitute the third ward. Whenever a street is mentioned as a boundary of any ward of such city, the middle of such street shall be deemed to be such boundary.

Sec. 2. That sections one, three, four and five, of title two, of said act as amended, and section eleven, of title two, of said act, be amended so as to read as follows:

Sec. 1. The officers of the said city shall be one mayor, one recorder, one treasurer, four justices of the peace, one constable in each ward of said city, three aldermen in each ward of said city, and one director of the poor, all of whom shall be elected at the annual city election, by the qualified electors of the whole of said city, or of the wards thereof respectively, by ballot, as hereinafter provided; also one marshal, and one assistant marshal, who may perform all the duties now devolving on the marshal, except the collection of taxes; one clerk, one comptroller, one street commissioner, one chief of police, one city surveyor, one health physician, one city attorney, and so many police constables, watchmen, fire wardens, common criers, keeper of almshouse, workhouse, city prison, pound-masters, inspectors of fire-wood, sealer of weights and measures, auctioneers, and such other officers as may be necessary to carry

City officers
elective.

When elected.

Officers appointed.

into effect the powers herein granted, as the common council may from time to time direct, all to be appointed by the common council, except as herein otherwise provided, and whose powers and duties and compensation shall be prescribed by the common council, except as herein otherwise provided.

Annual elections.

Sec. 3. An election shall be held in each ward in the year one thousand eight hundred and sixty five, on the tenth day of March, and annually thereafter on the first Monday in April, in each year, at such place as the common council shall appoint, by a

Notice of.

notice published at least six days previous to the election in a newspaper printed in said city, or by posting printed notices of the holding of said election in at least three of the most public places in each ward, at least six days previous to said election;

Provide.

Provided, That for the annual election in the year eighteen hundred and sixty-five the notice to be given as hereinbefore provided may be by a notice of four days, given in the manner in this section provided, if sufficient time shall not elapse after the passage of this act for the usual six days' notice.

Aldermen.

Sec. 4. At the annual election to be held in said city in the year eighteen hundred and sixty-five, there shall be elected two aldermen in each ward, who shall enter upon the duties of their office immediately upon their qualification, in the year eighteen

Terms of.

hundred and sixty-five, one for the term of two years and one for the term of three years, and the term for which the person voted for is intended shall be designated on the ballot, and at each annual election thereafter to be held one alderman shall be elected in each ward, who shall hold his office for the term

Constables.

of three years. There shall be elected annually in each ward, by the electors thereof, one constable, to hold his office for one

Justices of the peace.

year; at the first annual election after the passage of this act, there shall be elected by the electors of said city, voting in their respective wards, four justices of the peace, one of whom shall

Terms of.

be elected for the term of one year, one for the term of two years, one for the term of three years, and one for the term of four years, and the term for which each person is voted shall

be designated on the ballots, who shall each enter upon the duties of his office immediately upon being duly qualified according to law, and at every annual election thereafter there shall be elected one justice of the peace, who shall hold his office for the term of four years, and every justice of the peace elected in said city shall take the oath and file his bond within ten days after his election, and enter upon the performance of the duties of his office on the tenth day after his election. There ^{Mayor, treasurer, etc.} shall also be elected annually, by the electors of the whole city, voting in their respective wards, one mayor, one treasurer, one director of the poor, who shall each hold his office for the period of one year. At the first annual election after the passage of ^{Recorder.} this act, and at the annual election every two years thereafter, there shall be elected in said city, by the electors thereof, voting in their respective wards, one recorder, who shall hold his office for the term of two years; one school inspector in each ward, by the electors thereof, to hold his office for the term of two years.

Sec. 5. The common council shall, at the first meeting after ^{Council to} their election, or as soon thereafter as may be, and as often as ^{appoint} any vacancy occurs in any of the offices in this section named, ^{marshal, clerk, etc.} appoint, by ballot, one marshal, one clerk of the city, to hold his office during the pleasure of the council, two commissioners for the city cemetery or cemeteries, one of whom shall hold his office for the term of two years, and one of them for the term of one year, and the term of each shall be designated upon the ballot, and annually thereafter the said common council shall ^{Commissioners of cemetery.} appoint one commissioner of the city cemetery, who shall hold his office for two years; the common council may appoint one ^{Police officers.} assistant marshal, one chief of police, and police constables, to hold their office during the pleasure of the said common council, not to exceed one for each ward, who shall have the same power and authority as constables now have by law, except as to the return and service of civil process and proceedings in civil cases, and shall be subject to the same liabilities and regulations, except as herein otherwise provided; they may also ^{Watchmen.} appoint the watchmen for said city, of whom they shall design-

nate one as captain of the watch, to hold their respective offices during the pleasure of the said council; they may appoint at their first annual meeting after their election, or as soon thereafter as may be, one city surveyor, one health physician, to hold their offices for one year, and so many fire-wardens, sealers of weights and measures, common criers, keepers of almshouses, pound-masters, weigh-masters, inspectors of fire-wood and auctioneers, as the common council may deem necessary, each to hold their offices during the pleasure of the common council; the common council shall contract with a counsellor-at-law to perform such service as may be required of him as attorney and counsellor-at-law for said city, for such period, not exceeding one year, and for such compensation, not to exceed five hundred dollars for a year, and at the same rate for any less period, as the common council shall determine; the person with whom such contract is made shall not be entitled to receive, during its continuance, or for services rendered during its continuance, besides his salary, any fee or reward whatever which shall be paid out of or withheld from the treasury of the city.

Board of
election in-
spectors.

Sec. 11. One justice of the peace and the two senior aldermen of each ward shall constitute the board of inspectors of election, two of whom shall constitute a quorum, and such one of their number as they may appoint shall be chairman; said board shall also appoint two competent persons to be clerks of election, who shall take the oath of office, to be administered by either inspector of said board who are authorized to administer the same.

Clerks of.

Section
amended.

Sec. 3. That section five, of title four, of said act, be amended so as to read as follows:

Controller.

Sec. 5. There shall be appointed by the common council, at their first meeting in the month of March, eighteen hundred and sixty-five, and at their first meeting in the month of March every three years thereafter, or as soon thereafter as may be, one controller, who shall hold his office for the term of three years, and who shall devote his time to the service of the city,

Term.

Assistant.

in connection with the duties of his office, with power, by con-

sent of the common council, to appoint one assistant, for whose duties he shall be responsible, and shall receive such compensation as the common council shall prescribe; the controller shall perform such duties, in relation to the finances and accounts of said city, as shall be prescribed by ordinance, and shall, in addition to his other duties, be the assessor of the city, and as such assessor, said controller shall have and exercise, within said city, all the powers, authority and duties of supervisors of townships, as provided by the laws of this State, not inconsistent with the provisions of this act, and except as herein otherwise provided, and said controller and the senior alderman of each ward shall be members of the board of supervisors of Saginaw county, and as such shall be entitled to the same compensation, and shall be paid in the same manner, and they shall perform, as supervisors, such other duties as by this act shall be required of them; the controller shall advertise for and receive proposals for all contracts for and on behalf of the city, and report his action thereon to the common council; shall examine and report upon all claims and accounts referred to him by the council; shall have a seat in and attend the sessions of the council; may speak upon and discuss all questions and matters which may come before the council, but have no vote.

Duties of controller.

Compensation.

Powers of.

Sec. 4. That section six, of title four, of said act as amended, be amended so as to read as follows: Section amended.

Sec. 6. The annual assessment of all property in said city shall be made by the controller thereof, who, for that purpose, is hereby vested with all the powers, and required to perform all the duties, of supervisors of townships, in relation to the assessment of property for taxation, except as herein otherwise provided; for the purpose of assessing, the whole of said city shall constitute but one assessment district; the said controller shall have and exercise all the rights and privileges conferred upon supervisors of Saginaw county, in granting and drawing orders on the volunteer relief fund of said county, and it shall

Annual assessment.

Orders on relief fund.

be his duty to draw such orders in favor of all persons entitled to the same, from the city of East Saginaw.

Section re-
pealed.

Sec. 5. That section seven, of title four, of said act, be and the same is hereby repealed.

Section
amended.

Sec. 6. That sections thirteen and fifteen, of title four, of said act, be amended so as to read as follows:

Marshal, du-
ties of.

Sec. 13. The city marshal shall be superintendent of the city; it shall be his duty to attend the sittings of the recorder's court, obey its orders, and execute its process, and to perform such other duties as by this act, or the ordinances or resolutions of the common council, shall be required. The marshal shall be the collector for the city, and shall give such bonds for the faithful performance of his duties as is or may be by law required of township treasurers; and for the purpose of collecting taxes, is hereby vested with all the powers of township

To be col-
lector.

Fence view-
er.

treasurers in relation to enforcing such collection. He shall, by virtue of his office, be the fence viewer of the city, and is hereby vested, for that purpose, with the same powers and duties, and entitled to the same compensation, as is now, or as may be prescribed by the general laws of the State for fence viewers in townships.

Justices of
the peace.

Sec. 15. The justices of the peace of said city shall file their oaths of office in the office of the clerk of the county of Sagi-

Jurisdiction
of.

naw, and shall have, in addition to the jurisdiction conferred by this act on them, the same jurisdiction, powers and duties conferred on justices of the peace in townships, and shall have concurrent jurisdiction with the recorder's court of said city, of all actions brought for the recovery of any fine, penalty or forfeiture imposed by this act, or any ordinance of said city, where such fine, penalty or forfeiture, shall be less than one hundred dollars, and when there shall not be, in addition to such fine, penalty or forfeiture, any imprisonment by such law or ordinance for the violation thereof.

New section

Sec. 7. That there shall be added to title four of said act a new section, to stand as section thirty-five, to read as follows:

Sec. 35. The common council shall, at their first meeting ^{Street com-} after their election in each year, or as soon thereafter as may ^{missioner,} be, appoint one street commissioner, whose duty it shall be to ^{duties of} superintend the construction, pavement, planking, repairing, cleaning, working and improvement of all sidewalks, crosswalks, streets, lanes, alleys, sewers, public pumps, reservoirs, public grounds, culverts and bridges within said city, and perform such other duties as shall be prescribed by the common council, and render a true account of the expenses thereof for material and labor, in detail, under oath, to the city clerk or controller, as the council shall designate by ordinance.

Sec. 8. That title five of said act, as amended, be amended ^{Title amended.} so as to read as follows:

TITLE V.

OF TAXES, FUNDS, REVENUE AND EXPENDITURES.

Sec. 1. The common council shall examine, settle and allow ^{Council to} all accounts and demands properly chargeable against the said ^{audit as-} city, as well of its officers as other persons, and shall have authority to provide means for the payment of the same, and for defraying the contingent expenses of the said city, subject only to the limitations and restrictions in this act contained. ^{counts, etc.}

Sec. 2. For the purpose of defraying the expenses, and all ^{Annual tax.} liabilities incurred by said city, and paying the same, the common council may raise annually, by tax levied upon the real and personal property within said city, such sum as they may deem necessary, not exceeding one and one-half per cent. on the valuation of such real and personal estate within the limits of said city, according to the valuation thereof, taken from the assessment roll of the year preceding the levying of such tax, and the common council may, in addition thereto, levy such ^{Limitation.} sum, not exceeding one-half of one per cent. of the valuation of the preceding year, as they may deem necessary for highway purposes, which shall be raised, assessed and collected on the same roll, and in the same manner, as other city taxes. ^{If Proceedings-} If the said common council shall deem it expedient, for the pur- ^{when addi-} ^{tional tax is-} ^{levied.}

poses of the city, to levy a larger tax than is allowed by this section, they may, by giving ten days notice, by publishing the same in a newspaper published in said city, and posting a notice thereof in three public places in said city, call a meeting of the inhabitants of said city, at some place therein, who may then and there vote to levy, assess and collect a further money tax upon all the real and personal property in said city, in such sum as the meeting shall direct, and such tax shall be levied, assessed and collected in the same manner as is provided for the levying or collection of the other taxes mentioned in this act: *Provided*, That no person shall vote at such meeting who is not a tax payer in said city. The mayor of said city shall preside, or, in his absence, the then acting mayor shall preside at such meeting.

Marshal to
collect tax.
Bond of.

Sec. 3. The marshal of said city shall collect all taxes levied or assessed in said city, and for that purpose such marshal shall give bonds to said city, in such sum, and with such surety or sureties, as the common council shall require and approve; and such marshal shall also give to the treasurer of the county of Saginaw such further surety as is or may hereafter be required by law of the several township treasurers of the several townships of this State; and for the purposes of the collection and return of all such taxes, and the return of property delinquent for the non-payment of taxes, the said marshal, on giving the bonds or security so required, shall possess all the powers, and perform all the duties, of the several township treasurers of this State, as prescribed by law, and shall also perform such other duties, respecting the collection and return of taxes, as this act imposes.

Marshal to
pay over
moneys.

Sec. 4. The marshal of said city shall pay over to the city treasurer once in every week, within the time prescribed by the warrant for the collection and paying over the same, all sums of money collected on his tax roll for city purposes, and the said marshal shall, in all other respects, pay over all moneys received in payment, or on account of taxes, in the

manner and at the times required by law of the treasurers of the several townships of this State.

Sec. 5. The controller of said city shall complete his assessment of all the taxable property in said city on or before the fourth Monday in May, and upon the completion thereof, shall file a notice thereof with the city clerk, who shall report the same to the common council at their next meeting.

Assessment roll, when completed.

Sec. 6. The controller, treasurer and city attorney shall constitute a board of review, two of whom shall constitute a quorum. They shall have power, and it shall be their duty, to examine said assessment and correct any errors found therein, and on cause shown, to reduce, equalize or increase the valuation of any property found on said rolls, and to add thereto any taxable property in said city that may have been omitted, and to value the same. They shall meet at such time and place as shall be appointed by the common council, of which time and place notice shall be given by said council at least two weeks prior to the time of meeting, by publishing a notice thereof in some newspaper published in said city, and also by posting the same in three public places in each ward of said city, and shall continue in session at least three days successively, and as much longer as may be necessary, at least six hours in each day during said three days; and any person desiring so to do may examine his or her assessment on said rolls, and may show cause, if any, why the valuation thereof should be changed, and the said board shall decide upon the same, and their decision shall be final; and the said board shall keep a record of their proceedings, and all changes made by them in said rolls, and their record shall be deposited with the city clerk.

Board of review.

Board to keep a record.

Sec. 7. The said controller shall deliver the assessment roll to said board of review at their first meeting, and after the same shall be confirmed by resolution of said board, to be entered on their records, the said controller shall again take such roll into his possession, and cause the amount of all taxes, in dollars and cents, authorized to be assessed and collected in

Assessment roll to be confirmed.

each year, to be ratably assessed to each person named on lots described upon and according to the aggregate valuation such person or lots shall have been assessed in said assessment roll, or book prepared for that purpose, to be known as the tax roll, in separate columns, showing the amount of highway, school, city, and other taxes assessed according to this act, to each person or lots in each year, and when said tax roll has been completed, and on the second Monday of July, the controller shall cause the same to be delivered to the city treasurer, who shall give a receipt therefor, and be charged therewith, who shall retain said tax roll in his office for thirty days, during which time any person assessed therein may pay the amount of taxes assessed against each person respectively to said treasurer, who shall receive and give a receipt therefor, and mark the same paid upon the roll; and said city treasurer shall pay over to the treasurer of the board of education of said city, at least once in each week, all school moneys, and all moneys in said roll coming into his hands belonging to said board of education, and take his receipt therefor; and within ten days after the expiration of the time for the payment of taxes to the treasurer as aforesaid, the controller shall then cause to be made out a copy of so much of such assessment roll as remains due and unpaid, filing the original with the city clerk, and shall add such per centage as shall have been fixed by the common council as compensation for the collection of such taxes or assessments. The controller shall annex or attach a warrant to said tax or assessment roll, directed to the marshal of the city, and made returnable upon the last Saturday of October then next following, commanding him to collect, from the persons named in the assessment roll, the assessment of taxes therein specified and set forth, as due from such persons; and for such purpose, if necessary, to levy upon, and sell the personal property of such person, occupant or lessee, refusing or neglecting to pay the same, whenever or wherever the same may be found within the limits of said city, and to pay over and account for the taxes and assessments then collected

Form of roll

Roll to be delivered to treasurer

Duty of treasurer.

Warrant of controller.

according to law. The controller shall charge the amount of taxes remaining unpaid upon said roll to the marshal of said city receiving the same, and shall also take a receipt therefor; warrants for the collection of taxes, or assessments, may be extended or renewed, from time to time, as the common council shall direct. Renewal of warrants.

Sec. 8. For the collection of all such taxes, the marshal shall be entitled to receive such per centage as shall be prescribed by the common council by ordinance, not exceeding four per cent upon the sum to be collected, which sum shall be added to the computation of taxes on said tax roll of said city, as hereinbefore provided. Compensation of marshal shall be

Sec. 9. It shall be the duty of the common council, on or before the last Saturday preceding the first day of June in each year, to determine, by resolution, the amount necessary to be raised by tax for city purposes within said city for such year; and it shall be the duty of the city clerk to certify the amount so to be raised to the controller, and it is hereby made the duty of the controller of said city to levy the sum so certified, and such other taxes as may be required by law, upon the taxable property of said city, in the same manner as specified in section seven of this title. Estimate of tax for coming year.

Sec. 10. When said assessment roll shall have been confirmed by the board of review, as mentioned in section six of this title, it shall be the duty of the controller to make a copy of the same as confirmed, to be certified, by the clerk, under the seal of the city; and when so copied the said controller shall take such copied roll into his possession, and retain the same until after the equalization thereof by the board of supervisors of Saginaw county, which is hereby determined to be the assessment roll for all purposes whatever, except for the purpose of extending the assessment roll for the collection of city taxes, as provided in section seven of this title; and the controller shall extend upon the same all State and county taxes certified to him from the board of supervisors, at the same time and in the same manner as township supervisors are or Controller to make copy of assessment roll.

Warrant for collection. may be by law required to do, and shall annex thereto a warrant, signed as provided in section seven of this title, and in all other respects the same as is, or may be by law, required in warrants of township treasurers for the collection of township and county taxes.

Duty of marshal.

Sec. 11. The marshal shall pay over all moneys collected for city taxes, to the city treasurer, according to the command of his warrant, when and as fast as the same is collected by him, and take a proper receipt therefor, and file such receipt with the city clerk, and shall within ten days after the expiration of his warrant, make a full return of all taxes collected by him, and of all descriptions of real estate delinquent for taxes, in the same manner as township treasurers are now or may be by law required to make to the county treasurer, which return shall be made under oath, and filed with the county treasurer, and a copy thereof filed with the city clerk.

Taxes a lien on property

Sec. 12. The taxes assessed for city purposes upon any real estate of any resident or non-resident, and all legal charges made thereon, shall be a charge against the person owning the same on the second Monday of July, and shall be a lien on said real estate from the fifteenth day of November, of the year in which such tax was assessed.

Loan authorized.

Sec. 13. For public improvements and building school-houses in said city, the common council may borrow, on the faith of the city, a sum not exceeding fifty thousand dollars, for a term not exceeding twenty years, at a rate of interest not exceeding ten per cent. per annum, payable annually, and for that purpose may issue bonds of the city, signed by the mayor and clerk, and countersigned by the controller, and in such forms, and in such sums, not exceeding in the aggregate the sum of fifty thousand dollars, as the said common council shall direct; and such bonds shall be disposed of under the direction of the common council of said city, upon such terms as they shall deem advisable, but not for less than their par value,

Avails, how applied.

and the avails thereof shall be applied only for the purpose of public improvements, and building school-houses in said city

Sec. 14. It shall not be lawful for the common council, except as herein otherwise provided, to borrow any money, or authorize the creation of any liability or indebtedness against said city, in any one year, exceeding in the aggregate the amount which by this act may be raised by tax for such year; and in case any sum or sums of money shall be borrowed by said common council in any one year, or the said common council, or any officer thereof, shall enter into any contract or contracts for the payment of money, binding upon said city, the same shall be paid out of the sums raised by tax for such year, if the payment thereof is not otherwise provided; and all sums of money borrowed by said city shall be applied to the purposes for which the same was borrowed, and for no other purpose whatsoever, but nothing in this act contained shall be construed to prohibit said common council from making assessments, and levying and collecting taxes, for the purpose of local improvements.

Limitation
of amount.

Liability,
how paid.

Sec. 15. All sums of money directed to be raised by the common council, except as in this act otherwise provided, shall be assessed upon all the real and personal estate in the said city, according to the valuation of the same, as from the valuation thereof by the last preceding assessment rolls filed in the office of the city clerk; but no real or personal property which shall be exempt from taxation by the general laws of this State, nor any public square, park, or other public ground, shall be assessed for the ordinary city or county taxes.

Exemption.
Basis of assessment.

Exemption.

Sec. 16. Whenever, by the provisions of this act, the common council shall be authorized to issue city bonds for the payment of any sum or sums of money, the said common council shall thereupon have the power to create a sinking fund, for the payment of the interest as it falls due, and the extinguishment of the principal at the expiration of the time limited for the payment thereof, which fund shall be raised by a direct tax, which shall not exceed in any one year three mills

Making fund.

How raised.

on the dollar on the valuation of the real and personal property within said city, and which shall be levied and collected in the same manner as the ordinary city taxes are levied and collected, but shall be put in a separate column in the tax roll, and when so collected the same shall be applied to the credit of such sinking fund, for the purpose of paying off the principal and the interest of the debt so created, as the same becomes due, and for no other purpose; and the fund so raised shall be securely invested in stocks of the United States, or of this State, and said sinking fund shall not be used or borrowed for any other purpose than that for which it was raised.

How invested.

How money drawn from treasury.

Sec. 17. No money shall be drawn from the city treasury unless it shall have been previously appropriated to the purpose for which it shall be drawn; and all ordinances, resolutions and orders directing the payment of money shall specify the object and purposes of such payment, which shall be certified by the clerk and countersigned by the controller, before the same shall be paid by the treasurer.

Report of treasurer.

Sec. 18. The treasurer shall, at the first regular meeting of the common council in each month, make report of the finances of said city, showing what appropriations and payments have been made out of each of the several funds of said city since his last preceding report, and of the state of each of said funds.

Section amended.

Sec. 9. That section forty-four, of title six, of said act, be amended so as to read as follows:

Confirmation of assessment roll final.

Sec. 44. Every assessment, so ratified and confirmed by the common council as aforesaid, shall be final and conclusive, and the same shall remain and continue a lien upon the premises assessed for such tax; when said assessment roll shall have been so confirmed, and within two days thereafter, the assessment roll so confirmed shall be placed by the controller in the hands of the city treasurer, who shall give a receipt therefor and be charged therewith, and who shall retain the same in his office for the space of thirty days, during which time any person may pay the amount of taxes against such person or his property

respectively to said treasurer, who shall receive said taxes, and give a receipt therefor, and mark the same paid upon the roll, and within five days after the expiration of the time for the payment of said assessment to the treasurer, as aforesaid, the controller shall take such assessment roll into his hands, and shall add such per centage as shall be fixed by the com-
Per cent. for collect'n.
mon council, not exceeding four per cent., as fees for collecting the same, and shall annex or attach a warrant to said special
Warrant for collection.
assessment roll, directed to the marshal of the city, to be signed by said controller, which warrant shall direct the marshal to collect the same within the time prescribed by the resolution of the common council; and the said assessment and tax roll, with the warrant of the mayor annexed, shall be delivered to said marshal within the ten days aforesaid, who shall thereupon be authorized to levy and collect the same by distress and sale of any personal property of the person chargeable with such tax; and in case sufficient personal property
Return of unpaid tax-
ca.
cannot be found whereon to levy and collect such tax, the marshal shall, within five days after the time prescribed by his said warrant for the collection thereof has expired, pay to the city treasurer all sums collected on such tax roll, and make report to the city clerk of the sums so remaining unpaid, which he was unable, for want of such personal property, to levy and collect of the same, together with the description of the premises assessed for such unpaid taxes; and the city clerk, within five days thereafter, shall, in like manner, notify the controller of the amount of such taxes, and the description of the premises assessed and chargeable with such tax, who shall assess such unpaid taxes, together with interest at the rate of twenty per cent., on all sums so uncollected, from the date of the return of such assessment and tax roll by the city marshal to the date of the warrant for the collection of the city tax roll in which the same shall be placed by the controller as herein provided, on such premises, in the tax roll next thereafter to be made, and such tax shall then be levied, collected and returned,
Collection of
and the said premises may be sold for non-payment thereof, as

provided by law for the non-payment of the ordinary city taxes:

Provido.

Provided, That any person owning any premises so chargeable with such special assessment or tax may discharge such premises from such tax at any time after such return by the marshal, and before it is put into the general city roll, as above provided, by paying to the city treasurer the amount of tax so assessed against him or his property, together with interest at the rate of twenty per cent. per annum, from the time of the return by the city marshal of such roll to the date of such payment.

Sections amended.

Sec. 10. That sections three and nineteen, of title nine, of said act, be amended so as to read as follows:

Jurisdiction of recorder's court.

Sec. 3. The jurisdiction of said recorder's court shall extend to, and said court shall have original and exclusive jurisdiction, and shall have power to hear, try and determine all civil actions arising in said city wherein said city, in its corporate capacity, shall be a party, or any city or ward officer, in his official character, shall be a party; all charges, complaints, actions, and prosecutions for the recovery of any and all forfeitures and penalties for alleged violations or infringements of the acts of the Legislature of this State incorporating said city, except in cases where jurisdiction is especially given to some other court by this act; all offenses against any by-laws or ordinances of said city, except as provided in section fifteen, of title four, of this act as amended, and all actions for encroachments upon, or injury to any of the streets, lanes, alleys, bridges, parks, or other public improvements of said city, and concurrent jurisdiction in all actions wherein the title to lands shall come in question, wherein the said city, or any city or ward officer, as such, shall be a party; and said court shall also have exclusive appellate jurisdiction of all actions brought before justices of the peace to recover forfeitures or penalties for alleged violations of any ordinances of said city, or violations of this act, for the violation of which, by said ordinance, or by this act, such justice of the peace has cognizance; actions may be commenced in said court in the same manner as is provided by law for the commencement of suits in the circuit courts of this

Appellate jurisdiction.

Commencement of suit.

State, and to this end the city clerk is hereby authorized to procure the necessary books, at the expense of the city, and all provisions of law relative to trials of causes in circuit courts shall apply to said recorder's court, except as hereinafter otherwise expressed; and actions for the recovery of penalties and forfeitures arising for violations of any of the provisions of this act, or for violations of ordinances or by-laws of said city, of which said recorder's court, or any justice of the peace of said city, has jurisdiction, may be commenced and prosecuted in the same manner as is provided by law for the recovery of fines and penalties for breach of any statute of this State; and all prosecutions of offenses in said recorder's court arising under this act, or under any ordinance or regulation of the common council, shall be in the name of the people of the State of Michigan, and be commenced by filing an affidavit, duly sworn to before said clerk, and subscribed by the person making the complaint, and having endorsed thereon the proper jurat of said clerk; and it shall be deemed sufficient to set forth in said complaint the offense complained of, according to its substance; the trial ^{How tried.} shall be had and determined upon said complaint, and upon pleadings which may be amended, in the same manner as indictments and pleadings under the general laws of the State.

Sec. 11. This act shall take immediate effect.

Approved March 1, 1865.

[No. 80.]

AN ACT to provide for the laying out, opening and establishing of a certain State road in the township of Shiawassee, in the county of Shiawassee.

SECTION 1. *The People of the State of Michigan enact, That Austin A. Belden, Enoch Eddy and Joseph L. Gardiner, of the township of Shiawassee, in the county of Shiawassee, be and they are hereby appointed commissioners to lay out, open and establish a State road, commencing in said township of Shiawassee, two rods west of the point where the road leading* ^{Construct'n of road authorized.} *Route 41.*

south from the village of Corunna, in said county, intersects the Grand River road, so-called, at the quarter post on the section line between sections twenty and twenty-one, in said township, thence running south one hundred and sixty rods, thence east two rods until it intersects said section line between sections twenty and twenty-one, thence south across the big marsh, (so called,) about two miles along the section line between sections twenty and twenty-one, and sections twenty-eight and twenty-nine, and sections thirty-two and thirty-three.

Comm'rs to
lay out road
etc.

Sec. 2. It shall be the duty of said commissioners, or a majority of them, on or before the first day of June, eighteen hundred and sixty-five, to assemble and proceed to lay out said road and survey the same, and cause the same to be filed with the township clerk of said township, whose duty it shall be to record the same, and such record shall be *prima facie* evidence of the existence of said road.

Rules for
laying out
road.

Sec. 3. The commissioners hereby appointed shall be governed by the same laws, in laying out and establishing said road, as at that time govern the acts of township highway commissioners in laying out and opening new roads: *Provided*, That after said road is established as aforesaid, it shall be the duty of the commissioners of highway to work the same in the same manner, and by virtue of the same laws, as township roads are required to be opened and worked.

Proceedings
when dam-
ages are
claimed.

Sec. 4. That in all cases in which damages may be claimed, by reason of the laying out and establishing of said road, the same proceedings shall be had thereon as may be required by the laws in force at the time such claim is made for the assessment of damages, in case of roads laid out by township highway commissioners.

Compensa-
tion of com-
missioners.

Sec. 5. The said commissioners shall be paid each the sum of two dollars per day for their services, to be paid by said township, as other contingent expenses.

Appropri-
ation.

Sec. 6. There is hereby appropriated, for the purpose of aiding in constructing said road, one section of swamp land: *Provided*, Said land can be located in said county.

Sec. 7. Said road shall be laid out and constructed under the provisions of act number one hundred and seventeen, of the session laws of eighteen hundred and fifty-nine, and acts amendatory thereto. To be constructed under provisions of former acts.

Sec. 8. The State shall not be liable for expenses incurred or damages sustained by reason of this act. State not liable for expenses.

Sec. 9. This act shall take immediate effect.

Approved March 2, 1865.

[No. 81.]

AN ACT to amend an act entitled "an act to incorporate the city of Jackson," approved February fourteen, eighteen hundred and fifty-seven.

SECTION 1. *The People of the State of Michigan enact, That* section fourteen of said act, be and the same is hereby amended so as to read as follows: Section amended.

Sec. 14. Upon the breaking out of any fire in said city, the marshal shall immediately repair to the place of such fire, and aid and assist, as well in extinguishing the fire as in preventing any goods or property from being stolen or injured, and in protecting, removing and securing the same; and for which purpose, act as chief of the police, and the mayor, recorder, or any alderman, and the chief engineer of the fire department, and the assistant engineers, may require the assistance of all bystanders, and in the pursuance of his duties the marshal shall be in all respects obedient to the mayor, recorder and alderman and fire wardens, or either of them, or such of them as may be present at such fire; and in case any bystander shall willfully neglect to comply with such requirements, he shall be punished in the manner provided by the by-laws or ordinances of the common council, who are hereby authorized to pass such by-laws in relation thereto as they may deem necessary. Duty of marshal in case of fire.

Sec. 2. This act shall take immediate effect.

Approved March 2, 1865.

[No. 82.]

AN ACT to authorize the townships of Muskegon and Norton, in the county of Muskegon, and the township of Spring Lake, in the county of Ottawa, to aid in the construction of a wagon road from the village of Muskegon to the village of Ferrysburg.

Pledge of credit and issue of bonds authorized. SECTION 1. *The People of the State of Michigan enact*, That it shall be lawful for the township of Muskegon, and the township of Norton, in the county of Muskegon, and the township of Spring Lake, in the county of Ottawa, to pledge the credit of any such township, to issue bonds or other securities, to levy taxes, and to borrow money, to aid in the construction or improvement of a wagon road, on that part of the Allegan, Muskegon and Traverse Bay State road, connecting the village of Muskegon with the village of Ferrysburg, via the head of Black lake, for any sum not exceeding five per centum of the assessed valuation of the property of any such township, at any special township meeting called for that purpose, as hereinafter directed.

Limitation. Sec. 2. It shall be the duty of the clerk of any of said townships to call a meeting of the electors thereof, on the written or printed request of twelve freeholders of his township, which request shall specify the amount to be raised, the mode of raising it, the rate of interest, which shall not exceed ten per centum, the time of payment, and such other matters as may be deemed for the interest and security of the township; and in posting notices according to law, he shall also, with each notice, post the request upon which the meeting is called. The questions submitted to the electors shall be those contained in the call for the meeting, and shall be voted upon by ballot, and every person voting in favor of the same shall have written or printed thereon the words, "in aid of Muskegon and Ferrysburg improvement—yes;" and those against the same the words, "in aid of Muskegon and Ferrysburg improvement—no;" and the result shall be certified to by the board of inspectors, and filed in the office of the township clerk.

Clerk to call meeting of electors.

Questions submitted

Form of ballot.

Sec. 3. If it shall be determined at such meeting to aid in the construction or improvement of said road, it shall be the duty of the supervisor and clerk, by the direction of the township board, to loan money, to execute bonds or other securities, and to do all other acts necessary to comply with such determination; and all moneys or securities accruing to said township under this act shall be deposited with the treasurer thereof, and held by him until delivered up upon proper authority, or to his successor in office.

Sec. 4. The township board of any township authorized by this act shall have power, and it shall be their duty, to raise by tax or otherwise, such sum or sums as shall be sufficient, from time to time, to pay the principal and interest of such bonds or other securities, as often as they shall become due: *Provided*, That no bonds or other evidences of debt, issued under the provisions of this act, shall be sold for less than their par value.

Sec. 5. The township board of any township authorized by this act shall have power, and it shall be their duty, to appoint an agent, whose duty it shall be to expend all funds raised in his township, by authority of this act, in the construction or improvement of said road, or such part or parts thereof as he may deem proper; and to enable the said agent more fully to carry out the provisions of this act, he shall have power and authority to contract for the construction or improvement of the road at such rates, and on such terms, as shall receive the approval of the township board.

Sec. 6. All orders drawn on the township treasurer for money, accruing by the provisions of this act, shall be signed by the clerk, and countersigned by the supervisor of the township.

Sec. 7. This act shall take immediate effect.

Approved March 2, 1865.

[No. 83.]

AN ACT to authorize the sheriffs of certain counties to serve process issued by justices of the peace.

COUNTIES. SECTION 1. *The People of the State of Michigan enact, That the sheriff, under sheriff, or any deputy sheriff, may serve all process issued by justices of the peace, both civil and criminal, and may perform all duties and services now performed by constables, in the counties of Bay, Iosco, Alpena, Cheboygan, Ontonagon, Houghton, Keweenaw, Marquette, Chippewa, Mackinaw, Delta and Menominee; and for such service they shall be entitled to the same fees as are now allowed by law to constables in like cases.*

Approved March 2, 1865.

[No. 84.]

AN ACT to authorize fractional school district number two, of the townships of Plymouth and Novi, in the counties of Wayne and Oakland, to issue bonds.

ISSUE OF BONDS AUTHORIZED. SECTION 1. *The People of the State of Michigan enact, That the trustees of fractional school district number two, situated in the townships of Plymouth and Novi, in the counties of Wayne and Oakland, be and the same are hereby authorized to issue and negotiate the bonds of said district, in such sums and for such amounts, not exceeding three thousand dollars, and drawing not exceeding ten per cent. interest, as said fractional school district shall at any annual or special meeting direct, by a majority vote of the legal voters of said fractional school district there assembled: Provided, That the meeting at which said bonds shall be authorized shall be called in the same manner as now provided by law.*

PROVISO.

Sec. 2. This act shall take immediate effect.

Approved March 2, 1865.

[No. 85.]

AN ACT authorizing a war bounty loan.

SECTION 1. *The People of the State of Michigan enact, That* the Governor and State Treasurer be and they are hereby authorized and directed, in the name and in behalf of the people of this State, whenever it shall become necessary for the purpose of paying a State bounty, authorized to be paid to volunteers in the military service of the United States by the provisions of any law of this State, to negotiate and contract for a loan or loans, for such sum or sums as may be necessary for the purpose herein specified, not exceeding one million dollars in all, on the most favorable terms that in their judgment can be obtained, redeemable at the pleasure of the State at any time after the expiration of twenty-five years from and after May first, eighteen hundred and sixty-five, at a rate of interest not exceeding seven per centum per annum, payable semi-annually on the first day of May and November, respectively, in each year. Such loan shall be known as the "war bounty loan of the State of Michigan."

Sec. 2. For the purpose of effecting the loan or loans by this act authorized, the Governor and State Treasurer are hereby empowered and directed to cause to be issued bonds of the State of Michigan, from time to time, as they may deem necessary, in sums of one thousand dollars each, to be signed by the Governor, and countersigned by the Secretary of State and State Treasurer, with the seal of the State affixed thereto, and with coupons for the interest thereto attached. The principal and interest of said bonds shall be payable in the city of New York. The bonds shall be drawn in favor of the Auditor General, and when endorsed by him shall become negotiable in such manner as the Governor and State Treasurer shall deem proper. The proceeds of such bonds shall be paid out in no other manner than is provided by law for paying a State bounty to volunteers, mustered into the military service of the United States.

Moneys arising from sale of to be paid into State treasury.

Sec. 3. All moneys arising from the sale of the bonds by this act authorized to be issued, shall be paid into the treasury of the State, to the credit of the war fund, and shall be drawn therefrom upon the warrants of the Auditor General, which warrants may be issued by proper vouchers or estimates of the Quartermaster General of the State, certified by the Governor, for the purpose of paying such State bounty as may be authorized by law.

Bonds to be numbered and registered.

Sec. 4. The bonds issued under this act shall be numbered and registered in a book provided for that purpose, and kept in the Auditor General's office, and also in a book kept in the State Treasurer's office, which registers shall contain the number and amount of such bonds, the rate of interest thereon, and when payable. Whenever any bond shall be paid, the same shall be immediately canceled by the treasurer, or other person paying the same, with a canceling hammer. The Auditor General shall also keep a full record of all the bonds taken up and paid, in a book provided for that purpose; and immediately after the record shall have been made as aforesaid, the bonds so paid shall also be canceled, by writing across the face of each, which cancelment shall be signed by the Auditor General and State Treasurer, and said bonds, thus canceled, shall be filed in the office of the Auditor General.

Cancelment of paid up bonds.

Record of.

Faith of State pledged.

Sec. 5. The faith of the State is hereby pledged for the payment of principal and interest of the bonds which may be issued under the provisions of this act.

Sec. 6. This act shall take immediate effect.

Approved March 2, 1865.

[No. 86.]

AN ACT to legalize the action of certain townships, cities and counties, in raising bounties for volunteers.

SECTION 1. *The People of the State of Michigan enact, That* in case any township, city or county in this State shall have heretofore voted to raise by tax, or shall have hired or bor-

Certain action declared legal and valid.

rowed money, or shall have authorized, or directed a committee of citizens, or any township or city officer or officers, to hire, advance or raise money, or issued, or authorized the issuing, of bonds, or other evidences of indebtedness, either by the action of the corporate authority of such township, city or county, or by the vote of the electors thereof, had for that purpose, or where the board of supervisors of any county, the common council of any city, or the township board of any township, have agreed, by resolution, to issue bonds or other evidences of indebtedness, with the object and to the end of encouraging enlistments by paying bounties to volunteers in the military or naval service of the United States, who enlisted and were mustered into such service before the fourth day of February, eighteen hundred and sixty-five, or with the object and to the end of encouraging the procuring of substitutes by persons who may have been drafted into said service, or to encourage drafted men to enter into said service personally, such action shall be deemed legal and valid, and the money so voted, ^{Money raised declared legal.} raised or hired, or so authorized or directed to be hired, advanced or raised, and the bonds or other evidences of indebtedness so issued, or to be issued, shall be deemed to have been legally voted, raised or hired, and the said bonds or other ^{Bonds legalized.} evidences of indebtedness shall be deemed to have been legally issued, and shall be a valid and lawful claim against the township, city or county having voted, raised, hired, authorized, or issued the same, and shall be paid in the same manner as the ordinary township, city or county expenses are paid, and the obligations made, or to be made, to evidence the indebtedness of such township, city or county, for such money so raised, advanced or hired, and the bonds or other evidences of indebtedness so issued, shall be deemed valid and binding upon such township, city or county, and the tax rolls for the collection of ^{Tax rolls legalized.} the tax voted or raised as aforesaid, under authority as aforesaid, whether spread upon the general tax roll, or upon a special tax roll made for that purpose, shall be deemed, and

Amount
loaned au-
thorized to
be assessed.

are hereby declared, to be legal and valid; and whenever the faith of any county has been pledged, and bonds issued and loaned by such county to any township, ward, city, or military sub-district therein, the amount of bonds so taken, with interest as provided therein, may be assessed, by direction of the board of supervisors of such county, upon the township, ward, city, or military sub-district, taking or loaning the same, and shall be assessed, collected and paid at the same time, and in the same manner, as other county taxes are collected and paid.

Counties,
cities, etc.,
authorized
to pay cer-
tain claims.

Sec. 2. In all cases where the board of supervisors of any county, the common council of any city, or the township board of any township, or the legal voters of any county, city or township, have, in their corporate capacity, offered or agreed to pay any bounty to any person or persons for volunteering in the military or naval service of the United States, or have offered or agreed to pay any bounty to any person who may have been drafted into said service, for serving therein, either in person or by substitute, if such person or persons volunteered, or were drafted and mustered into such service, before the fourth day of February, eighteen hundred and sixty-five, or have issued bonds, or other evidences of debt, or other instrument claimed to be such, to pay such bounties, or to raise money to pay the same, the said counties, cities or townships are respectively authorized and empowered to allow and pay the same as valid claims, and such allowance and payment, except as is herein otherwise provided, shall be made in the same manner as ordinary claims are allowed and paid; and such township, city or county, may issue bonds or certificates of indebtedness in lieu of any such bonds, certificates or instruments, claimed to be evidences of indebtedness, heretofore issued in good faith, for the purpose aforesaid, and so allowed as aforesaid, which bonds or certificates, when issued by a city or county, shall be under the seal thereof; and if by a city, shall be signed by the mayor and city clerk, or recorder and comptroller thereof; and if by a county, shall be signed by the chairman of the board of supervisors and county clerk; and if by a township, shall be signed

How paid.

Issue of
bonds au-
thorized.

How execu-
ted.

by the supervisor and clerk, and may bear a rate of interest not exceeding seven per cent. per annum, and be payable at any time not exceeding five years from the time of such allowance, unless a higher rate of interest, or a longer time, has been agreed upon.

Sec. 3. In case the board of supervisors of any county, or the common council of any city, or the mayor and recorder, or comptroller, or mayor and city clerk of any city, or the township board of any township, have issued or caused to be issued, or shall hereafter issue, in pursuance of resolution heretofore adopted, bonds, warrants, certificates, or other evidences of indebtedness, for the purpose of filling the quota of any city, township, ward, or military sub-district by volunteers, or substitutes for drafted men, or drafted men actually entering the military service of the United States, before the fourth day of February, eighteen hundred and sixty-five, under any call for troops heretofore made, or in anticipation of any such call, such instrument shall be legal evidence of the indebtedness of such county or city; and the board of supervisors in such county, and the common council of such city, are hereby authorized and required to assess, raise and collect, or authorize to be assessed, raised and collected, the amount of bonds, warrants, certificates, or other evidences of indebtedness issued or used for the purpose of filling the quota of any township, ward, or military sub-district of such county, or city, and the interest thereon, by tax upon the real and personal property taxable within such township, ward, or military sub-district, at such time and in such manner as the common council of such city, or the board of supervisors of such county, or the township board of any township, may by ordinance or resolution direct: *Provided*, No bonds or other evidences of indebtedness of any township or city mentioned in sections one, two and three of this act shall be held legal and valid (where the issue of the same has not been authorized by a vote of the electors of such municipal corporation) until the question of their payment shall be authorized by a vote, at an annual or special meeting or elec-

Interest, when payable.

Certain bonds, etc., declared legal evidences of indebtedness.

Amount to be collected.

Proviso.

tion, called and held regularly, and on due notice of the electors of the municipality issuing such evidences of indebtedness.

Amount
loaned to be
raised by
tax, loan,
etc.

Sec. 4. The township board of any township, and the common council of any city, in this State, shall have the power to raise, by tax upon the taxable property of such township or city, or by loan, such sums as may be necessary for the payment of money borrowed or advanced by any township, ward or city officer or officers, or by a committee informally authorized to act for such township, ward or city, and have, at the time of making such loan, pledged the faith of the township or city, or received the informal pledge of the township or city, at the time of making such advances, to refund the same when the township or city shall be authorized by law so to do: *Provided always*, That all such moneys shall have been borrowed or advanced for the purpose only of paying bounties to volunteers, who have enlisted and been mustered into the military or naval service of the United States, and been credited upon the quota of such township or city prior to the fourth day of February, A. D. eighteen hundred and sixty-five: *Provided further*, That the provisions of this act shall not apply to, or authorize the payment of, any moneys borrowed or advanced to pay bounties to volunteers on any call for volunteers made prior to July eighteenth, A. D. eighteen hundred and sixty-four.

Provide.

Provide.

Electors to
determine
the amount
to be raised

Sec. 5. Before any moneys shall be raised by tax or loan as provided by section four of this act, the electors of such township or city shall, at the annual, or some special meeting regularly called for that purpose, determine by vote the sum to be raised, and whether the same shall be raised by tax or by loan.

How tax to
be levied
and collec-
ted.

Bonds, how
executed.

In case the money shall be raised by tax, the tax shall be levied and collected the same as ordinary township or city taxes are levied and collected. In case such moneys shall be raised by loan on the bonds of such township, they shall be signed by the supervisor and clerk thereof, and shall draw a rate of interest not to exceed seven per cent, and to run not to exceed three years from their date; and if such money shall be

raised by a loan on the bonds of such city, said bonds shall be signed by the mayor, and recorder or clerk thereof, and shall draw interest not to exceed seven per cent., and to run not to exceed three years from their date; and the township board of such township, and the common council of such city, issuing such bonds, shall have power, and it shall be their duty, from time to time, to raise by tax such sum or sums as shall be necessary to pay the amount of such bonds, and the interest thereon, as fast as the same shall become due.

Sec. 6. It shall be the duty of township clerks of townships, and the recorders or clerks of cities of this State, on or before the first Monday in October of each year, to certify to the supervisor of their respective townships, or common council, or other proper officers of their respective cities, the amount of indebtedness of his said township, ward or city, growing out of the payment of bounties to volunteers, as herein provided, together with interest thereon, if any, computed up to the first day of February next ensuing, in the same manner as is now by law his duty to report as to incidental expenses of his township, ward or city; and it shall be the duty of such supervisor or other officer as aforesaid, to incorporate said amount in the assessment roll for such township, ward or city, as part of the incidental expenses of such township, ward or city; and the treasurer or collector of such township, ward or city, is authorized and required to collect and pay over such amounts at the same time, and in the same manner, as other taxes are by law required to be collected and paid over.

Sec. 7. This act shall take immediate effect.

Approved March 2, 1865.

[No. 87.]

AN ACT to extend the time for the collection of taxes in the townships of Green and Deerfield, in the county of Mecosta, for the year eighteen hundred and sixty-four.

Time extended. SECTION 1. *The People of the State of Michigan enact*, That the time for the collection of taxes in the townships of Green and Deerfield, in the county of Mecosta, is hereby extended to the second Monday of March next.

Power of treasurer. SEC. 2. The treasurer of the said township of Green, and the sheriff of the county of Mecosta, as acting collector and treasurer of the said township of Deerfield, are hereby authorized and empowered to proceed and collect said taxes in the same manner as during the lifetime of their warrants, and to make returns to the county treasurer on or before the second Monday in March next, and the said warrants are hereby revived and continued in full force, for said purpose, until said time.

Duty of treasurer. SEC. 3. It shall be the duty of the said treasurer of the township of Green, and of the said sheriff of Mecosta county, as acting collector and treasurer of said township of Deerfield, before they shall be entitled to the benefit of this act, to pay over all moneys collected by them in their respective townships, as provided by law, and to give to the county treasurer of the county an official bond, as treasurers of said townships, conditioned and to be approved by said county treasurer, as required by law, to pay over or otherwise account for said deferred taxes at the time limited by this act or required by law.

Renewal of bond. SEC. 4. A transcript of all unpaid taxes, returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time, as other taxes for the year eighteen hundred and sixty-four, duly returned to the Auditor General for non-payment.

Return of unpaid taxes. SEC. 5. This act shall take immediate effect.

Approved March 2, 1865.

[No. 88.]

AN ACT to amend section two of act number two hundred and forty one, of the session laws of eighteen hundred and sixty-three, entitled ["an act] to provide for the collection of State and county taxes in the city of Detroit."

SECTION 1. *The People of the State of Michigan enact, That* section two, of act number two hundred and forty-one, of the session laws of eighteen hundred and sixty-three, entitled "an act to provide for the collection of State and county taxes in the city of Detroit, approved March twentieth, eighteen hundred and sixty-three," be amended so as to read as follows:

Sec. 2. The county treasurer, upon the receipt of said rolls, is required to cause a notice to be published in two daily papers published in said city for three weeks, stating that said rolls and warrant have been made and deposited in his office by the assessors, where they will remain for thirty days from the date of such notice, during which time said taxes may be paid to the county treasurer without being subject to payment of any per centage for collection, and such treasurer will grant his receipt for every tax so paid, and mark the same as paid on the roll; and said treasurer shall keep a correct account of all the extra expenses incident to the collection of said taxes under this act, and deliver a true statement of the amount thereof to the board of supervisors at their annual session in each year, who shall apportion the same among the several wards of said city, according to their respective valuations, which shall be collected and paid into the county treasury, the same as other county taxes, and credited to the contingent fund of said county.

Approved March 2, 1865.

[No. 89.]

AN ACT to amend section one, of chapter forty-two, of the compiled laws, relative to disorderly persons:

SECTION 1. *The People of the State of Michigan enact, That* section one, of chapter forty-two, of the compiled laws of the State of Michigan, be amended so as to read as follows:

What persons deem'd disorderly.

Sec. 1. All persons who do run away, or threaten to run away, who, being of sufficient ability, refuse or neglect to support their families, or leave their wives or children a burden on the public; all persons pretending to tell fortunes, or where or with whom lost or stolen goods may be found; all common prostitutes, all keepers of bawdy houses, or houses for the resort of prostitutes, all drunkards, tipplers, gamesters, or other disorderly persons; all persons who have no visible calling or business to maintain themselves by, or who do for the most part support themselves by gaming; all jugglers, common showmen, and mountebanks, who exhibit or perform for profits; any puppet show, wire or rope dancing, or other idle shows, acts or feats; all persons who keep in any highway, or in any public place, any gaming table, wheel of fortune, box, machine, instrument, or device for the purpose of gaming; all persons who go about with such table, wheel of fortune, box, machine, instrument, or device, exhibiting tricks, or gaming therewith; all persons who play in the public streets or highways, with cards, dice, or any instrument or device for gaming; and all vagrants, shall be deemed disorderly persons.

Approved March 2, 1865.

[No. 90.]

AN ACT to authorize the Detroit River plank road company to discontinue and abandon a portion of their road.

Discontinuance of road authorized.

SECTION 1. *The People of the State of Michigan enact, That the* Detroit River plank road company may, by a majority vote of the stockholders of said company, present at any regular meeting of said company, discontinue and abandon any part of their road lying within the corporate limits of the city of Detroit.

Duty of directors in case of.

Sec. 2. In case said company shall discontinue and abandon any part of their road, as hereinbefore provided, the directors of said company shall, within sixty days after the vote of discontinuance or abandonment, cause to be recorded in the office

of the register of deeds of the county of Wayne a description of the part of said road so discontinued or abandoned.

Sec. 3. This act shall take immediate effect.

Approved March 2, 1865.

[No. 91.]

AN ACT to amend an act amendatory of the several acts relating to the Wesleyan Seminary at Albion, and the Albion Female Collegiate Institute, approved February twenty-fifth, eighteen hundred and sixty-one.

SECTION 1. *The People of the State of Michigan enact*, That there shall be added to said act, and the several acts therein referred to, seven new sections, to be numbered and stand as sections ten, eleven, twelve, thirteen, fourteen, fifteen and sixteen of said act, as follows: Sections added.

Sec. 10. That a committee be and is hereby constituted, to be known as "the Albion College endowment fund committee," to consist of three laymen, of whom at least two shall be members of the Methodist Episcopal church, and at least two of the committee shall be residents of the county of Wayne, in the State of Michigan. The first members of said committee shall hold their offices respectively for the terms of three, six and nine years from the first day of January, eighteen hundred and sixty-five, and perform the duties thereof without compensation; and triennially hereafter, one member of said committee shall be appointed by the board of trustees of Albion College, to serve nine years in the place of the one whose term of office shall have expired; and the members of said committee shall give bonds for the faithful discharge of their duties, according to the intent of the law under which they are appointed; and all vacancies in said committee shall be filled by said board of trustees. Endowment fund committee
Terms of.
Bonds of.
Vacancies.

Sec. 11. That the first committee aforesaid shall consist of the following persons, viz: John Owen, of Wayne county, for the term of nine years; E. J. Connable, of Jackson county, for the term of six years; and Eldredge G. Merrick, of Wayne county, for the term of three years. First committee.

Duty of
committee.

Sec. 12. That it shall be the duty of said committee to receive all moneys that may be subscribed, collected, donated, devised or bequeathed, for the purpose of creating or increasing the endowment fund of said Albion College, and to invest the same in such manner as they shall deem best, having due regard to the security of the investment, as well as to the annual income to be derived therefrom, it being intended hereby to charge said committee with the sole management and control of said endowment fund, in trust for said Albion College.

Report of
committee.

Sec. 13. That it shall be the duty of said committee to report semi-annually to the board of trustees the amount and condition of said fund, and the amount of interest which shall have accrued on the same, and to pay over semi-annually the interest so accruing, to the said board of trustees, upon a warrant drawn by its president and attested by its secretary, said warrant to be made payable to the "treasurer of the board of trustees of Albion College or order."

Trustees not
to be ap-
pointed on
committee.

Sec. 14. That no member of the board of trustees of said Albion College, while serving as such, shall be appointed one of said endowment fund committee.

Name.

Sec. 15. Said corporation shall be known hereafter, as heretofore, by the name and style of "Albion College."

Acts re-
pealed.

Sec. 16. That all acts and parts of acts contravening the provisions of this act, are hereby repealed.

Sec. 2. This act shall take immediate effect.

Approved March 2, 1865.

[No. 92.]

AN ACT to amend section fourteen, of act number sixteen, of the session laws of the year eighteen hundred and sixty-four, entitled "an act to authorize the formation of corporations for the running, booming and rafting of logs."

Section
amended.

SECTION 1. *The People of the State of Michigan enact, That* section fourteen, of act number sixteen, of the session laws of the year eighteen hundred and sixty-four, be and the same is hereby amended so as to read as follows:

Sec. 14. Every such corporation shall, by their corporate name, have power to acquire, use and hold all such real and personal estate, by lease or purchase, as shall be necessary for the purpose of carrying on the business of such corporation, with the full right of selling and disposing thereof, when not further needed for the use of such corporation: *Provided*, That their real estate shall not exceed five thousand acres. They shall have power, and the right, in any of the navigable waters of this State named in their articles of association, to construct, use and maintain all necessary booms for carrying on the business of such corporation: *Provided always*, That they shall first have obtained from the owner or owners of the shores along which, or in front of which, they desire to construct such boom or booms, either by lease or purchase, their permission to erect and maintain such boom or booms in front of his or their lands: *And provided further*, That such boom or booms shall be so constructed as to allow the free passage of boats, vessels, craft, logs, timber, lumber, or other floatables, along such waters; they shall have power to make all necessary contracts for driving, booming, rafting and running logs, lumber, timber and other floatables, they shall have power to carry on the business of driving, booming, rafting and running logs, timber, lumber, or other floatables, or either of them, as they may from time to time determine; and for the use of said boom or booms, in the care and custody of logs, timber, lumber, or other floatables, in all cases where no rate is fixed by contract, to charge and collect a uniform and reasonable sum for boomage, and for such boomage, and for driving, rafting or running of logs, timber, lumber, and other floatables, such corporation shall have a lien upon the logs, timber or other floatables, driven, boomed, rafted or run; and such corporation shall be entitled to retain the possession of such logs, timber, lumber, or other floatables, or so much thereof as may be necessary to satisfy the amount of such boomage, and reasonable charges for driving, rafting or running of logs, timber, lumber, or other floatables, and all expenses for taking care of the same until the same shall be deter-

Corporation
may hold
real estate

Previo.

May con-
struct
booms.

Previo.

Booms not
to obstruct
navigation.

Powers of
corporation.

Compensa-
tion for
boomage.

To have lien
on logs, etc

mined, satisfied and paid, in the manner hereinafter prescribed:
Proviso. *Provided*, Corporations formed under the provisions of this act may charge for booming of logs within the counties of Muskegon and Newaygo a rate not to exceed ten cents per thousand feet, exclusive of reasonable charges for other labor bestowed on the same.

Sec. 2. This act shall take immediate effect.

Approved March 2, 1865.

[No. 93.]

AN ACT to amend an act entitled "an act to provide for the improvement of the Detroit and Grand River road," approved March twentieth, eighteen hundred and sixty-three.

Section amended. SECTION 1. *The People of the State of Michigan enact*, That section one of "an act to provide for the improvement of the Detroit and Grand River road," approved March twentieth, eighteen hundred and sixty-three, be and the same is hereby amended, so as to read as follows:

Appropriation of highway taxes. SECTION 1. *The People of the State of Michigan enact*, That all the non-resident highway taxes which shall be assessed for the years eighteen hundred and sixty-four and eighteen hundred and sixty-five, upon the non-resident lands within two miles on each side of said road, leading from the city of Lansing, in Ingham county, to the west line of section twenty-seven, in Watertown, Clinton county, except such of said lands as lie in the town of Delta, in the county of Eaton, be and the same are hereby appropriated for the improvement of said Detroit and Grand River road, to be expended as hereinafter provided.

Approved March 2, 1865.

[No. 94.]

AN ACT relative to the public schools of the city of Ann Arbor.

SECTION 1. *The People of the State of Michigan enact*, That the city of Ann Arbor, and such contiguous territory as is now, or ^{School district formed} may be hereafter, thereto annexed for school purposes, shall constitute a single school district, and shall be known and designated as school district number one, of the city of Ann Arbor, and such district shall have all the powers and privileges ^{Powers of} conferred upon school districts by general law, and in addition thereto such powers and privileges as have, by special enactment, been conferred upon it, under the name of "school district number eleven of the city and township of Ann Arbor," to all the rights and obligations of which district it shall succeed.

Sec. 2. At the annual meeting of said district, to be held on ^{Board of trustees.} the first Monday of September next, the qualified voters thereof shall elect, by ballot, three trustees for the term of three years, (who with the six trustees holding over will constitute a board of nine,) and annually thereafter, in the same manner, they shall elect three trustees, who shall hold their office three years, and until their successors shall have been elected and qualified.

Sec. 3. Within ten days after each annual meeting, the board ^{Officers of board.} of trustees shall meet and elect from their own number a president, secretary and treasurer, who shall severally hold their offices one year, and until their successors are duly elected, and ^{Powers of} whose powers and duties shall be the same as those conferred upon and required of the moderator, director and assessor of school districts in this State, except so far as the same are varied by this act, or other acts relating to said district, and who shall be *ex officio* school inspectors of the city of Ann Arbor, with the powers and duties of school inspectors of townships, and shall make their reports directly to the clerk of the county of Washtenaw. Said board of trustees shall have the power to fill any ^{Vacancies}

**Certificate
of election.**

vacancies which may occur in their number, by resignation or otherwise, or in the officers elected by them; and the secretary of said board shall, within five days after such election, or the filling of any vacancy, file with the recorder of the city of Ann Arbor a certificate of such election, or of the filling of such vacancy. Said board of trustees shall, before hiring any teacher, examine into his or her qualifications, and all teachers employed by said board shall be considered legally qualified teachers, without further examination by the school inspectors.

**Examina-
tion of
teachers.**

**Powers of
board.**

Sec. 4. Said board shall have power to appoint a superintendent of schools, and to define his powers and duties; to hire all necessary teachers, and fix the amount of their compensation; to classify and grade the several schools, and determine the ages and qualifications for admission thereto, and the conditions for remaining therein, and which schools or departments scholars shall attend; to adopt courses of study and text books; to make such rules and by-laws as they may deem necessary for the preservation of the property of the district, for the government of the schools thereof, and in reference to all other business connected therewith; and, also, to levy and collect such sums as they may deem proper for the tuition of each and every scholar taught in said schools who is not actually a resident of the district.

**Tax for pur-
chase of
fns, appara-
tus, etc.**

Sec. 5. The qualified voters of said district may, by a majority vote of those present and voting at any annual meeting, or at any special meeting called for such purpose, raise by tax, upon the taxable property of the district, such sum or sums as shall be necessary to purchase lots, build school houses and furnish the same, provide apparatus and fuel, pay for repairs and all necessary incidental expenses, and make the several schools of the district free of tuition in all English branches to the resident scholars thereof; and at any annual meeting, by a two-thirds vote, such qualified voters may authorize the board of trustees to borrow money on the bonds of the district for such term of years, and at such rate of interest, as the meeting may direct, not to exceed ten per cent. per annum, for the purpose

**May borrow
money.**

of building school houses and making additions thereto, or for the payment of bonds to become due: *Provided*, That such ^{Limitation} indebtedness shall at no time exceed fifteen thousand dollars.

Sec. 6. The treasurer of said district shall give bonds in such ^{Treasurer to give bonds.} sum as the board of trustees shall annually direct, and shall have power, in the name of the district, to collect all moneys ^{Powers of.} due for tuition of scholars who are not actually residents thereof, or for tuition of resident scholars in such branches and studies as the board of trustees shall make chargeable against them, and for any damage done to the property of the district, by suit at law, under the direction of the board of trustees.

Sec. 7. The board of trustees shall require the secretary to ^{Board to record its proceedings.} keep a record of its proceedings, and of the rules and by-laws it may, from time to time, enact, and shall cause the rules and ^{To publish rules and by-laws.} by-laws it shall make for the government of the schools, and also notice of their alteration or repeal, to be published for one week, in at least one paper printed and circulating in the city of Ann Arbor.

Sec. 8. Any person elected to the office of trustee of said ^{Penalty for refusal to discharge duties as trustee.} district, who, without sufficient cause, shall neglect or refuse to accept such office and discharge the duties thereof, shall forfeit, for the use of said district, the sum of ten dollars: *Pro-Provido.* *vided*, That no person shall be compelled to serve two terms successively; and said board of trustees shall have power to make all needful rules and regulations relative to its proceedings, and to punish by fine, not exceeding five dollars for each ^{Fine for absenting.} offense, any member of the board who may, without sufficient cause, absent himself from any meeting thereof, said penalties to be collected as the board may direct.

Sec. 9. All acts and parts of acts, general or special, conflicting with the provisions of this act, shall not be binding upon said district.

Sec. 10. This act shall take immediate effect.

Approved March 2, 1868.

[No. 95.]

AN ACT to amend an act entitled "an act to provide for the improvement of a certain road in the counties of Eaton and Ingham," approved March nineteenth, eighteen hundred and sixty-three.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of "an act to provide for the improvement of a certain road in the counties of Eaton and Ingham," approved March nineteenth, eighteen hundred and sixty-three, be and the same is hereby amended so as to read as follows:

Appropriation of highway taxes.

SECTION 1. *The People of the State of Michigan enact*, That for the purpose of improving the State road running from the city of Lansing, in Ingham county, through the village of Charlotte, to the village of Bellevue, in Eaton county, all of the non-resident highway taxes that shall be assessed upon the non-resident lands, the half or more of any legal sub-division of which lies within one mile each way from the center of said road, be and the same are hereby appropriated for the improvement of such highway, except such of said lands as lie in the town of Delta, in the county of Eaton, for the period of five years from the time this act shall take effect, to be expended as hereinafter provided.

Approved March 2, 1865.

[No. 96.]

AN ACT to amend section three thousand six hundred and fifty-seven of the compiled laws, relating to the commencement of actions before justices of the peace.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section three thousand six hundred and fifty-seven of the compiled laws, be and the same is hereby amended so as to read as follows:

Where actions to be commenced

(3657) Sec. 5. Every action, commenced in such court, shall be brought before some justice of the peace of the city or township, where,

First. The plaintiffs or any of them reside; or,

Second. Where the defendants or any of them reside; or,

Third. Before some justice of another township or city, in the same county, next adjoining the residence of the plaintiff or defendant, or one of the plaintiffs or defendants; or,

Fourth. Before some justice of a city in the same county, formed from a township or townships next adjoining the residence of the plaintiff or defendant, or one of the plaintiffs or defendants: *Provided,* That nothing herein contained shall *Proviso.* change or limit the jurisdiction of a justice of the peace where the same has been prescribed by the charter of an incorporated city.

Approved March 2, 1865.

[No. 97.]

AN ACT to legalize the action of the corporate authorities of the city of Ann Arbor, in issuing bonds or certificates of indebtedness to aid in the erection of a suitable building for the use of the medical department of the university of Michigan, and to provide for the payment thereof.

Whereas, At a meeting of the tax payers of the city of Ann *Preamble.* Arbor, held on the nineteenth day of February, A. D. eighteen hundred and sixty-four, in pursuance of previous public notice, it was unanimously resolved that the common council of said city be requested to issue, or cause to be issued, bonds or city warrants to the amount of the sum of ten thousand dollars, for the purpose of aiding in the erection of a suitable building for the use of the medical department of the university of Michigan;

And whereas, At a meeting of the common council of said city thereafter held, it was resolved that the mayor and recorder be and they were thereby authorized to issue bonds or certificates of indebtedness in the name and behalf of the corporation, in sums of not less than fifty dollars each, to the aggregate amount of ten thousand dollars, redeemable in whole or in part, at the pleasure of the common council, after the

thirty-first day of January, A. D. eighteen hundred and sixty-six, and payable on the first day of February, A. D. eighteen hundred and seventy-four, with interest from the date of the issuing thereof, at the rate of seven per cent. per annum, payable on the first day of February in each year;

- b. *And whereas*, In pursuance of said resolution, the mayor and recorder have issued the bonds or certificates of indebtedness as aforesaid, to the aggregate amount of ten thousand dollars, redeemable and payable with interest as aforesaid, which said bonds or certificates are designated on the face thereof as "medical college bonds;"

- b. *And whereas*, Said bonds have been disposed of, and the proceeds thereof applied to the purposes aforesaid; therefore,

**Bonds legal-
ized.** SECTION 1. *The People of the State of Michigan enact*, That said bonds or certificates of indebtedness be and the same are hereby declared to be legal and valid, and that the said action of the said common council, and of the mayor and recorder of said city, in authorizing and issuing said bonds or certificates of indebtedness, be and the same are hereby legalized and confirmed.

**Tax for the
payment of
principal
and interest** SEC. 2. It shall be the duty of the common council of said city to levy and raise by tax, upon the property taxable within said city, the amount of interest annually accruing on said bonds or certificates of indebtedness, to pay such interest as it becomes due, and to pay the principal of such bonds or certificates at maturity; and said common council may, in its discretion, provide by taxation a loan for the redemption of any part of the principal or interest on said bonds or certificates at any time before the same is payable by the terms thereof.

**Assessment
rolls de-
clared valid.** SEC. 3. The assessment rolls of the several supervisor districts of said city shall not be deemed invalid, in any respect, by reason of the assessment of a tax to pay said bonds or certificates, or any part thereof.

SEC. 4. This act shall take immediate effect.

Approved March 2, 1865.

[No. 98.]

AN ACT to provide for laying out and establishing a State road in Gratiot county.

SECTION 1. *The People of the State of Michigan enact, That* there shall be laid out and established, by a commissioner appointed by the Governor, a State road, commencing at the village of St. Louis, in Gratiot county, and running directly west, or as near as practicable, to connect with the Alma and Clinton State road.

Sec. 2. Said road to be laid out and constructed under the provisions of act number one hundred and seventeen, of session laws of eighteen hundred and fifty-nine, approved February twelfth, eighteen hundred and fifty-nine, and the acts amendatory thereto.

Sec. 3. To secure the construction of said road, there is hereby appropriated five sections of State swamp lands, the same to be selected within the county of Gratiot, and to be expended for the construction of said road, under the provisions of said act and the acts amendatory thereto.

Sec. 4. Said road shall be known as the St. Louis and Pine river State road.

Approved March 2, 1865.

[No. 99.]

AN ACT to amend section six, of act number one hundred and seventy-five, of the session laws of eighteen hundred and sixty-three, in relation to the Pentwater and Newaygo State road.

SECTION 1. *The People of the State of Michigan enact, That* section six, of act number one hundred and seventy-five, of the session laws of the year A. D. eighteen hundred and sixty-three, be and the same is hereby amended so as to read as follows:

Sec. 6. The commissioner shall give at least three weeks notice of the times and places of letting the contracts for opening

Letting.

ing and improving said road, by posting notices in three public places in the township where the work is to be done, specifying the nature and amount of work to be done. The commissioner shall attend at the times and places specified in such notices, and shall then and there proceed to let the contracts for the work on said road. The person offering to do the most work for a given amount of land, in legal sub-divisions, and giving good security for the performance thereof, shall be entitled to the contract. Whenever the work on any contract shall be fully completed, according to the conditions thereof, the commissioner shall give to the person entitled thereto a certificate to that effect, and stating the amount of land due thereon, which, on presentation to the Commissioner of the State Land Office, shall entitle the contractor, or his assigns, to that amount of any unappropriated swamp lands of this State, which may be subject to private entry.

Certificate of completion.

Approved March 2, 1865.

[No. 100.]

AN ACT to provide for the drainage and reclamation of swamp lands by means of a road to be known as the Cass river and Wild Fowl bay State road.

Construction of road authorized.

SECTION 1. *The People of the State of Michigan enact,* That there shall be laid out and established, by two commissioners to be appointed by the Governor, one for each county through which the same shall pass, and who shall be a resident of the county for which he shall be appointed, a road, on the most direct and eligible route, from the forks of the Cass river, in the county of Tuscola, to Wild Fowl bay, in Huron county; said road to be laid out and constructed under the provisions of act number one hundred and seventeen, of the laws of eighteen hundred and fifty-nine, and the acts amendatory thereto.

Appropriation.

Sec. 2. To secure the construction of said road there is hereby appropriated an average amount of six hundred and forty acres of State swamp lands to the mile, to be expended under the

provisions of the aforesaid acts and amendments: *Provided, Provide.*
 Said land shall be selected in the counties through which said
 road runs, in proportion to the number of miles in each of said
 counties: *Provided,* That there shall be appropriated two sec- ^{Extra Ap-}
 tions of swamp lands extra to the mile on that part of said ^{propriation.}
 road running through township fifteen north, of range ten east.
 Approved March 2, 1865.

[No. 101.]

AN ACT to extend the time for the collection of taxes in the
 township of Wright, in the county of Hillsdale.

SECTION 1. *The People of the State of Michigan enact, That*
 the time for the collection of taxes in the township of Wright, ^{Time ex-}
 in the county of Hillsdale, for the year eighteen hundred and ^{tended.}
 sixty-four, be and the same is hereby extended until the first
 day of April, eighteen hundred and sixty-five.

Sec. 2. The treasurer of said township is hereby authorized ^{Power of}
 and empowered to proceed and collect said taxes as fully as he ^{treasurer.}
 could in the lifetime of his warrant, and to make returns at any
 time before the first day of April next, and the said warrant is ^{Warrant}
 hereby revived and continued in full force, for said purpose, ^{continued in}
 until said time. ^{force.}

Sec. 3. It shall be the duty of the treasurer of said township, ^{Duty of}
 before he shall be entitled to the benefits of this act, to pay ^{treasurer.}
 over all moneys collected during the lifetime of his warrant, as
 is now provided by law, and to renew his official bond to the ^{Renewal of}
 satisfaction of the treasurer of the county. ^{bond.}

Sec. 4. A transcript of all unpaid taxes, returnable to the ^{Return of}
 county treasurer in pursuance of the foregoing provisions, shall ^{unpaid tax-}
 be returned to the Auditor General as soon as practicable, and
 such unpaid taxes shall be collected in the same manner, and
 with interest computed from the same time, as other taxes for

the year eighteen hundred and sixty-four, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take immediate effect.

Approved March 2, 1865.

[No. 102.]

AN ACT to organize the township of Sibley, in Keweenaw county.

Organiza-
tion.

SECTION 1. *The People of the State of Michigan enact, That all that part of Keweenaw county, designated and described as surveyed township fifty-eight north, of range twenty-nine west, and fractional township fifty-seven north, of range twenty-nine west, and fractional township fifty-nine north, of range twenty-nine west, be and the same is hereby set off from the township of Copper Harbor, and organized into a separate township, to be called and known as Sibley.*

First elec-
tion..

Inspectors.

Sec. 2. The first township meeting in said township shall be held at the house of John W. Kennedy, on the first Monday of April next, and Joseph A. Green, Thomas Conner and John W. Kennedy, are hereby authorized to act as the first inspectors of the said election to elect township officers; and in case of any vacancy in said number of inspectors, from absence or other cause, the electors present shall choose an inspector to fill such vacancy by a *viva voce* vote.

Proceedings
when elec-
tion is not
held at des-
ignated
time.

Sec. 3. If for any reason said township election shall not be held at the time herein appointed, it shall be lawful to hold the same at such time and place in said township as may be designated by said board of inspectors, on giving at least ten days notice thereof, in four of the most public places in said township, which notice the said board of inspectors are hereby authorized and required to give.

Sec. 4. This act shall take immediate effect.

Approved March 2, 1865.

[No. 103.]

AN ACT to organize the township of Clifton.

SECTION 1. *The People of the State of Michigan enact, That* all that part of the county of Keweenaw which is included in ^{Organiza-} ranges thirty-two and thirty-three west, excepting therefrom the ^{tion.} north-east fractional quarter of section twenty-four, in township fifty-eight north, of range thirty-two west, be and the same is hereby organized into a separate township, by the name of Clifton.

Sec. 2. The first township meeting in said township shall be ^{First elec-} held on the first Monday of April next, at the office of James ^{tion.} Watson, in said township; and George Chapman, James Wat- ^{Inspectors.} son and Joseph Paul, are hereby made and constituted a board of inspectors for said township election: *Provided, however, Provide.* If from death or other cause there shall be any vacancy or vacancies in said board, it shall be lawful for the qualified electors present to choose from their number any person or persons to fill such vacancy or vacancies.

Sec. 3. If for any reason said township election shall not be ^{Proceedings} held at the time herein appointed, it shall be lawful to hold ^{when elec-} the same at such time and place in said township as may be ^{tion is not} designated by said board of inspectors, on giving at least ten ^{held at des-} days notice thereof, in four of the most public places in said ^{ignated} township, which notice the said board of inspectors are hereby ^{time.} authorized and required to give.

Sec. 4. This act shall take immediate effect.

Approved March 2, 1865.

[No. 104.]

AN ACT to amend an act entitled "an act to amend an act to amend an act to prevent fishing with seines and every kind of nets, in certain counties in the State of Michigan," approved March sixteenth, eighteen hundred and sixty-one.

SECTION 1. *The People of the State of Michigan enact, That* section one of an act entitled "an act to amend an act entitled ^{Section} an act to prevent fishing with seines and every kind of nets, in ^{amended.}

certain counties in the State of Michigan," and approved March sixteenth; eighteen hundred and sixty-one, be and the same is hereby amended so as to read as follows:

Fishing with seines. Sec. 1. That it shall not be lawful hereafter to fish with seines, or any species of continuous nets, in any of the inland lakes, or small streams, of the counties of Jackson, Hillsdale, Washtenaw, Van Buren, Calhoun, Kalamazoo, Barry, Eaton, and the townships of Rollin, Medina, Seneca, Dover, Hudson, Cambridge, Franklin and Woodstock, in Lenawee county.

Where prohibited.

Penalty for violation.

Sec. 2. Any person offending against any of the provisions of this act shall, on conviction thereof, be liable to a fine of not over one hundred dollars, or imprisonment in the county jail not over sixty days, to be determined by a court of competent jurisdiction.

Sec. 3. This act shall take immediate effect.

Approved March 4, 1865.

[No. 105.]

AN ACT to provide for the improvement of the navigation of Saginaw river, and for the removal of the outer bar at the mouth thereof, and to authorize the county of Bay to loan money in aid thereof.

SECTION 1. *The People of the State of Michigan enact, That* the county of Bay is hereby authorized and empowered to borrow a sum of money, not exceeding fifty thousand dollars, on the faith and credit of said county, and to issue its bonds therefor, payable at any time not exceeding twenty years from the date thereof, and at a rate of interest not exceeding ten per cent. per annum, which money shall be expended, as hereinafter provided, in dredging a channel through the bar at the mouth of the Saginaw river, in Bay county, in this State, and to improve the navigation thereof.

Loan and issue of bonds authorized.

How expended.

Commissioners, powers of.

Sec. 2. The board of supervisors of said Bay county shall have power, at any lawful meeting of said board, to appoint not exceeding three commissioners, whose powers and duties are

hereinafter prescribed, and to authorize their chairman and clerk to issue the bonds of the county, in such sums as shall ^{issue of bonds.} from time to time be required, not exceeding in all the sum of fifty thousand dollars, in such denominations, and payable at a time not exceeding twenty years from the date thereof, and at such place, as shall be fixed by said board.

Sec. 3. The commissioner] or commissioners appointed by ^{Powers and duties of commissioners.} said board shall be residents of Bay county, and shall hold their office for one year, unless sooner removed by said board, and until their successors shall be appointed and qualified; and it shall be their duty to expend the money received by them, or subject to their use, in deepening the channel of the Saginaw river over the outer bar, at the mouth thereof, and improving the navigation of the same; and they shall have power to cause surveys and plans of said channel, and estimates of labor and material to be made, and to appoint a superintendent or agent to carry on the work determined by them to be done, to let contracts for such work, and to purchase such material, boats, dredges, scows, tools and implements, as may be necessary for the performance of such work as they may find necessary, to make a good navigable channel over said bar. Before ^{Board of} entering upon the duties of his office, each commissioner shall execute a bond to the county of Bay, in the penal sum of ten thousand dollars, conditioned for the faithful discharge of his duties as such commissioner, and that he will render a just and true account of all moneys which shall come into his hands as commissioner, whenever required by the board of supervisors of said county, and that he will deliver to his successor in said office, or any other person authorized by said board to receive the same, all moneys, books, papers or other things, belonging or appertaining to said office, or in his hands as such commissioner, with three or more sufficient sureties, to be approved by the board of supervisors of said county, and filed with the clerk of said county; whenever the condition of any such bond ^{Suit thereon} shall be forfeited, to the knowledge of the board of supervisors of said county, they shall cause the same to be put in suit,

and all moneys received in such action shall be paid into the treasury of said county, and applied to the purpose of improving the navigation of said river, over the bar aforesaid.

Vacancies.

Sec. 4. Whenever a vacancy shall, from any cause, occur in the office of said commissioners, the board of supervisors shall have power to fill the same by appointment, and to remove any of said commissioners for cause, to be entered on their records; and it shall be the duty of the said commissioners to make a full report of their doings, including a statement of the money received by them, the amount of labor done, contracts let and money expended, to the board of supervisors of said county,

Report of commissioners.

Account of.

at their annual meeting in each year; and they shall also keep a full and correct account of all moneys received and disbursed by them from time to time, which shall be at all times open to the inspection of the board of supervisors, or any committee thereof, or any person appointed by said board for that purpose.

Compensation of.

Sec. 5. The said commissioners shall receive no compensation for their services, except the expenses actually and necessarily incurred by them in the discharge of their duties, which shall be audited and allowed by the board of supervisors of said county, and when so allowed shall be paid from the moneys arising from the negotiation of said bonds.

Payment of interest.

Sec. 6. It shall be the duty of the board of supervisors to provide for the payment of the interest accruing on said bonds, as the same shall become due, by taxation, either on the property particularly and directly benefitted by such improvement, or in the same manner that the ordinary expenses of the county

Sinking fund

are provided for. Within ten years after this act becomes a law, the board of supervisors of said county shall provide a sinking fund for the gradual extinguishment of said debt; and

Payment of bonds.

it shall be the duty of said board to provide for the payment of said bonds at the maturity thereof, by tax upon the taxable property of the several townships and cities of said county, or by a tax upon the property directly or indirectly benefitted by such improvement, or by a partial tax on each of said interests, as they shall deem proper, and the board shall have power, at

the time of ordering the assessment of said tax, to determine the relative proportion which each township and city in said county shall contribute in paying the principal sum in said bonds mentioned, together with the interest thereon, as may be just and equitable; and the amounts so apportioned shall be assessed and collected by the several townships and cities, and paid into the treasury of said county, the same as other county taxes.

Sec. 7. The bonds, when issued as aforesaid, by the chairman and clerk of said board of supervisors, shall be delivered to the treasurer of said county, who shall negotiate the same, and convert the same into money, but not at less than their par value. On receiving such bonds, said county treasurer shall, if required by said supervisors, give additional bonds, in such sums as may be fixed and decided upon by said board, with such sureties and conditions as the board of supervisors may, from time to time, require, to secure the faithful preservation and disbursement of the money arising from the sale of such bonds, and the money so received shall be paid out on the order of said commissioner or commissioners, for making such improvements, from time to time, as shall be needed for the successful prosecution of said work, under such regulations as shall be adopted by the said commissioners. In order further to provide for the payment of said bonds, and to provide a sinking fund for the payment of the principal thereof, the said board of supervisors may, in their discretion, impose a specific tax of not exceeding five cents per thousand feet on all lumber manufactured immediately on or near the Saginaw river, in said county; they may also impose a specific tax of not exceeding two cents per barrel on all salt manufactured immediately on or near the Saginaw river in said county, and may prescribe the time and manner of the assessment of said specific tax, and the time and manner of the collection thereof. As the sinking fund for the payment of such bonds accumulates in the hands of the treasurer of said county, said board

Bonds to be delivered to county treasurer.

Treasurer to give additional security.

Specific tax.

may require of such treasurer additional bonds for the safe keeping thereof; and may provide for the investment of such funds, or for the gradual payment of such bonds before they fall due, but no holder of such bonds shall be compelled to receive any part of the principal thereof before the same falls due without his consent.

Copy of act
to be trans-
mitted.

Notice to
electors.

Sec. 8. It shall be the duty of the Secretary of State to transmit a copy of this act, within twenty days after the passage thereof, to the sheriff of Bay county, who shall thereupon cause notice to be given that the question of borrowing the sum of fifty thousand dollars, upon the bonds of said county, payable as hereinbefore provided, to aid in the improvement of Saginaw river, and for the removal of the outer bar at the mouth thereof, will be submitted to the electors of the county, in the several townships and cities thereof, on the first Monday of April next, at the several places designated for holding the township and ward elections, by causing written or printed notices thereof to be posted in three public places in each township and ward in said county, at least ten days previous to the time fixed for said vote, and by causing a copy of such notice to be published in the several newspapers printed in said county, for at least two weeks previous to the time fixed for such vote; and when such notice shall have been given, he shall thereupon deliver said copy of this act, with his certificate annexed thereto, showing the time and manner of giving such notice, to the county clerk of said county, who shall file the same in his office, and said certificate, or a certified copy thereof, shall be *prima facie* evidence of the facts therein contained. At the time specified in such notice a vote of the electors of said county shall be taken in each of the townships and wards thereof; the inspectors receiving the votes shall be the same as shall be required at the annual township meetings and charter elections, and the votes shall be canvassed, and the result thereof certified by the inspectors, in the same manner as at such meetings and elections, and such certified statement of the result shall be forth-

Election.

Canvass.

with transmitted to the county clerk of said county; on Tues-^{County can-}
day in the week next following the day on which such vote shall
be taken, the board of supervisors of said county shall meet at
the county seat of said county, and proceed to examine the said
original certified statements of votes given, and shall ascertain
therefrom and declare the result of said vote, which determi-
nation shall be entered upon the record of their proceedings;
and if a majority of the votes so given shall be in favor of said
loan, then said bonds shall be issued, otherwise said bonds shall
not be issued.

Sec. 9. This act shall take immediate effect.

Approved March 4, 1865.

[No. 106.]

AN ACT to amend act number sixty-one, of the session laws
of eighteen hundred and sixty-three, entitled "an act to au-
thorize the building of a bridge across the Menominee river,
and to appropriate six sections of swamp lands to the county
of Menominee for the purpose of building the same."

SECTION 1. *The People of the State of Michigan enact*, That sec-
tion one, of act number one hundred and sixty-one, of the laws^{Section}
of eighteen hundred and sixty-three, entitled "an act to au-^{amended.}
thorize the building of a bridge across the Menominee river,
and to appropriate six sections of swamp lands to the county
of Menominee for the purpose of building the same," shall
read as follows:

Sec. 1. That an appropriation of ten sections of swamp lands,^{Appropriation.}
lying in the county of Menominee, not otherwise appropriated,
(subject to the provisions of the act of Congress granting the
same,) be and is hereby made and granted to the county of
Menominee, for the purpose of building a bridge across the
Menominee river, in said county, to connect the State road
from Menominee river to Little Bay de Nocquet, to the State
road from Green Bay, in Wisconsin, to the Menominee river:
Provided, Such appropriation shall revert to the State if such *Proviso*.

Report of
commissioners.

bridge is not completed within three years from the passage of this act: *And provided further*, That the commissioners having the superintendence and control of said bridge be and they are hereby required, semi-annually, to wit: on the first days of December and June, in each year, upon oath, to report to the Commissioner of the State Land Office the condition of said work, with a brief statement of the contracts for constructing the same, the amount of money and of lands expended thereon, together with all moneys or lands paid to said commissioners, or for surveys, or otherwise, and also such other general information pertaining to the construction of said bridge as may be necessary for a full understanding of the progress and condition of such work; and said report shall be filed with the Commissioner of the State Land Office within thirty days after the same is required to be made, and it shall not be lawful for any moneys or lands to be paid upon said work after the time limited for the filing of said report, unless said report shall have been duly made and filed."

Sec. 2. This act shall take immediate effect.

Approved March 4, 1865.

[No. 107.]

AN ACT to amend an act entitled "an act to amend an act entitled an act to revise the charter of the city of Grand Rapids," approved February tenth, eighteen hundred and fifty-nine, and further to amend an act entitled "an act to revise the charter of the city of Grand Rapids."

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section sixty-seven of an act entitled "an act to amend an act entitled an act to revise the charter of the city of Grand Rapids," be and the same is hereby amended so as to read as follows:

List of un-
paid assess-
ments.

Sec. 67. The common council may, by an order entered in their minutes, direct the marshal that, on the return of his roll, he shall give to the city clerk a list of the real estate upon

which the assessments have not been paid or collected, and state to whom each parcel of said real estate was assessed, or that the same was assessed to a person "unknown," and describe said real estate, and give the amount of tax upon each parcel; and the city marshal shall, in all respects, comply with the same, and he shall annex thereto a certificate, substantially in the following form: "I hereby certify that the above list contains a true and accurate statement of each parcel of real estate, and the assessment thereon remaining unpaid, and the names to whom each parcel was assessed; and I further certify that I have been unable to find any personal property, upon any of the parcels above described, in the possession of the person or persons chargeable with said assessment, out of which to levy and collect the same, or any part thereof:" *Provided*, That in case the said marshal shall levy upon personal property and expose the same for sale, and shall return the same for want of bidders, he shall briefly state the facts in his certificate herein required, and may vary said certificate accordingly.

Sec. 2. That section sixty-eight of said act be and is hereby amended so as to read as follows:

Sec. 68. Within twenty days after the return of said list, the clerk shall cause said list to be inserted in a newspaper printed and published in said city, together with a notice in substance as follows: "It appearing, from the return of the marshal, that the assessments on the above described or parcels of real estate remain unpaid, notice is hereby given, that said real estate will be exposed for sale in separate parcels, at public auction, on the day of , A. D. 18 , at ten o'clock in the forenoon, at the door of the court house, or place of holding the circuit court for the county of Kent, in said city of Grand Rapids, and sold to the highest bidder for the purpose of collecting said assessments, and fifty cents for the cost of selling each lot or parcel, in addition to the costs of advertising;" which costs of advertising shall not exceed forty cents for each parcel, and shall be in full of the notice of sale. Said day of sale shall be at least thirty days after the first publication of

said notice, and shall be inserted in said paper at least once in each week during the time.

Sec. 3. That section sixty-nine of said act be and the same is hereby amended so as to read as follows:

Auctioneer
at sale.

Sec. 69. The marshal shall attend said sale and act as auctioneer, but in case of his absence or inability to attend the sale, the mayor may appoint or designate one of the city auctioneers, or other person, to act in the place of the marshal; said auctioneer shall sell all the lots or parcels of real estate so advertised, upon which the assessment and costs remain unpaid at the time of selling. The clerk shall also attend said sale, and enter in a book provided for that purpose, a description of the real estate sold, the name of the purchaser, and the amount of his bid; and shall make out and deliver to such purchaser a certificate, giving a description of the real estate by him purchased, the amount of the assessments and costs due, separately, and the amount of his bid, and stating that said purchaser will be entitled to a deed of the real estate described therein at the expiration of one year, unless the same shall be redeemed. The clerk shall receive the taxes and costs due at any time before sale, and pay the same over to the treasurer, with a statement in writing of the assessment roll from which the same was realized, and shall take the treasurer's receipt for said money. The costs, if paid before sale, shall be twenty-five cents for clerk's costs, on each parcel so paid, and the costs of advertising.

Duty of
clerk.

Certificate
of purchase.

Clerk to re-
ceive taxes
and costs.

Sec. 4. That section seventy of said act be and the same is hereby amended so as to read as follows:

Proceeding
when sale is
not made.

Sec. 70. In case no person shall bid at such sale the amount of the assessment and costs on any tract or parcel so exposed for sale, the same shall be struck off to the city of Grand Rapids, and the city clerk shall certify to the common council, at its next meeting, a statement of the parcels so struck off to said city, and the amount of the assessment, for which each parcel so struck off was assessed, and also the amount of costs chargeable to each, and the said council shall order the said assess-

ments to be paid out of the general fund in the treasury of said city; and the clerk shall certify said order to the treasurer, who shall thereupon transfer from the general fund to the proper special fund the amount specified in said order.

Sec. 5. That section seventy-one of said act be, and is hereby amended so as to read as follows:

Sec 71. All lands sold for taxes or assessments, under the provisions of this act, shall be offered and sold to the highest bidder: *Proceedings on sale.* *Provided*, No bid shall be received for a less amount than the assessment, and the costs of sale and advertising; and in case a greater amount is bid for any tract or parcel, and the same is sold, than the amount of said assessment and costs, the surplus shall be deposited by the clerk with the treasurer, whose duty it shall be to safely keep the same for the benefit of the person or persons entitled thereto; and any person or persons entitled to said surplus moneys shall present to the common council of said city satisfactory proof, by affidavit, of *Surplus moneys, how disposed of.* their claim thereto; and the said council, if satisfied that the person claiming the same is lawfully entitled thereto, shall order a warrant to be drawn upon the treasurer in favor of said claimant for the amount thereof, which warrant shall be signed by the clerk and countersigned by the comptroller, and shall be paid by the treasurer on presentation thereof: *Pro-Provided.* *vided*, The said council may, if they deem it expedient, before they shall allow such claim, or order it paid, require of such claimant a bond of indemnity to the city of Grand Rapids, in a penalty of at least twice the amount of such surplus claimed, with good and sufficient sureties, such as said council shall approve of, conditioned, in substance, to save the city of Grand Rapids harmless and indemnified against, of and from, all suits and proceedings, damages, costs and charges, which may be brought, recovered, sustained, or in any wise incurred by reason of allowing or paying over such surplus moneys to such claimant, which bond, if approved, shall be filed with the city clerk: *And provided further*, That the city of Grand Rapids shall never, in any case, be liable to pay to any claimant of said *Surplus moneys not to draw interest.*

surplus moneys, or to any other person, any interest upon the sum or sums so deposited; and any lands sold under the provisions of this act, or any distinct parcel thereof, which is separately assessed, may be redeemed at any time within one year after the date of the sale of the same, by paying to the city clerk the amount for which it was sold, with interest on the same from the date of sale to the time of redemption, at the rate of twenty per centum per annum; and said clerk shall keep and preserve said books in his office, and enter said redemption therein; said books shall be *prima facie* evidence of the matters contained therein.

Title amended. Sec. 6. That title six of the act entitled "an act to revise the charter of the city of Grand Rapids," be and the same is hereby amended by adding thereto the following sections, to stand as sections eighty-four, eighty-five, eighty-six, eighty-seven, eighty-eight, eighty-nine, ninety and ninety-one, as follows:

Deeds. Sec. 84. Whenever any lots, parts of lots, or parcels of land, shall be struck off to the city of Grand Rapids, in the cases provided for by law, and the same shall not have been redeemed within the time hereinbefore provided, deed or deeds shall be made out, as near as may be, in the form provided in section seventy-two of this act as amended, running to the city of Grand Rapids, and shall be executed and acknowledged, as provided in said section seventy-three, and which deeds, so executed and acknowledged, shall vest the fee of the land described therein, in the city of Grand Rapids, divested of all prior liens, claims and encumbrances whatever, and such deed shall be deemed and taken to be *prima facie* evidence of the existence and regularity of all such prior proceedings as might otherwise be required to be proved in order to establish a title.

City may purchase lands at sales. Sec. 85. The city of Grand Rapids, in its corporate capacity, is hereby authorized and empowered to purchase all parcels of land which, being advertised and offered for sale under the provisions of law, and shall fail to be sold for want of bidders; and in case the same is not redeemed as provided by law, to

receive a deed thereof, and to hold, occupy and enjoy, use and possess, lease and encumber, and convey the same as fully and completely as a natural person might or could do.

Sec. 86. All conveyance of said lands by the city of Grand Rapids, or of any interest therein, shall be executed by the mayor, under the corporate seal of said city, and if required by law to be acknowledged to make it effectual shall be acknowledged by him, and in all cases shall be countersigned by the comptroller.

Sec. 87. It shall be the duty of the comptroller, as soon as the city of Grand Rapids obtains title to any land under the provisions of this act, to lease the same upon the best terms he can secure, for a period of time not exceeding three years, unless further time be authorized by the common council, reserving therein the right to said city, of selling the premises embraced in said lease at any time during the continuance thereof, and to negotiate terms for the sale thereof, and report such terms to the common council, and if said common council shall approve thereof, they may order a conveyance to be made in accordance therewith; he shall report, in writing, to said council, at least once in six months, a particular description of all the real estate owned by said city, and if any of said premises are leased, he shall state in his report to whom, and the terms thereof, and the amounts realized on such leases respectively; he shall attend to the collection of such rents, and shall pay all sums so collected, without delay, over to the city treasurer. All moneys received or realized for or on account of land owned by said city shall be paid into the treasury of said city, and placed to the credit of the general fund, and shall be appropriated to such objects and purposes as the common council shall direct.

Sec. 88. The purchaser at the sale mentioned in section sixty-eight, shall, if the marshal require it, make immediate payment of the amount of his bid; and in case of his neglect or refusal to make such payment, the marshal may declare the bid canceled, and offer the lands again, and any person so

neglecting or refusing to pay any bid made by him shall not be entitled, after such neglect or refusal, to have any bid made by him received during such sale. In all other cases the purchasers shall pay the amount of their respective bids to the city marshal within forty-eight hours after the sale is closed; and in case he neglects to do so, the said land shall be struck off to the city of Grand Rapids in the same manner, and to the like effect, as if there had been no bidders for such premises at said sale.

Purchaser
to pay
amount of
former as-
essments
due.

Sec. 89. If in any event it shall occur that any lands or premises are advertised for sale under the provisions of this act as amended, and struck off to a purchaser other than the city of Grand Rapids, and at the same time the whole or any part thereof, having already been struck off to the city of Grand Rapids, and remaining unredeemed from said city, or otherwise disposed of, at the time the purchaser becomes entitled to receive a deed therefor, such purchaser shall in such case, before he shall be entitled to receive a deed for said premises, pay to the city clerk the amount of all such former assessments and costs for which said premises, or any part thereof, were so struck off to said city, anything to the contrary notwithstanding, and all bids made at such sales upon such premises as are referred to in this section shall be deemed as made subject to the provisions of this section.

Correction
of erroneous
descriptions

Sec. 90. Whenever the said common council shall discover that any land, on which any tax or assessment remains unpaid, have been so imperfectly or erroneously described that the same cannot, in their opinion, be located with certainty, or that a sale thereof would not convey to the purchaser a valid title to the lands intended to be charged with such tax or assessment, by reason of the mis-description thereof, the said common council shall, by an order entered in their minutes, accurately describe such lands intended to be charged with such tax or assessment, and shall direct the city clerk to rectify and correct the assessment roll on file in his office, containing such imperfect or erroneous description, so as to make it correspond

to the accurate description contained in said order; and all copies of such assessment roll, authorized or required by law to be made, shall be made to correspond therewith as rectified and corrected. The power conferred by this section may be exercised in respect to any lands heretofore returned to the city clerk, and shall extend to all lands embraced in the terms of this section, whether the same may have been sold under such imperfect description or not. Power retrospective.

Sec. 91. The provision of this title of this act as amended shall apply to any lands which have been hitherto returned by the marshal to the clerk upon which the assessments have not been paid, whether the same have been advertised for sale or not, and the said common council are hereby authorized to direct the city clerk to advertise for sale any or all lands which have been or shall be returned to his office, and upon which the assessment, or any portion thereof, remain unpaid, whether the same have been hitherto advertised for sale or not; and such proceedings, advertisement and sale, shall be carried on under the provisions of this title of this act as amended. Act to apply to lands heretofore returned.

Sec. 7. This act shall take immediate effect.

Approved March 4, 1865.

[No. 108.]

AN ACT to consolidate the townships of Oceana and Dalton, in Muskegon county, and to create three townships from the territory thereof.

SECTION 1. *The People of the State of Michigan enact, That* the townships of Oceana and Dalton, in Muskegon county, be and the same are hereby consolidated. Townships consolidated

Sec. 2. That town twelve north, of range seventeen west, Oceana. and that part of town eleven north, of range seventeen west, lying north of White Lake, be one township, and to be called Oceana; the first town meeting to be held on Monday, April First election. third, eighteen hundred and sixty-five, at the school house in

the village of Mears, and that Joseph Heald, Charles C. Thompson and Evan Kundson, be the inspectors of said town meeting.

Blue Lake. **First election.** Sec. 3. That town twelve north, of range sixteen west, be one township, and to be called Blue Lake; the first town meeting to be held on Monday, April third, eighteen hundred and sixty-five, at the house of A. E. Kingsley, on section twenty-nine, in said township, and that Henry L. Brown, A. E. Kingsley and B. F. Aldrich, be the inspectors of said town meeting.

White Lake. **First election.** Sec. 4. That all that part of town eleven north, of range seventeen west, lying south of White Lake, and town eleven north, of range sixteen west, be one township, and to be called Dalton; that the first town meeting be held on Monday, April third, eighteen hundred and sixty-five, at the school house on section thirteen, town eleven north, of range seventeen west, and that Hiram S. Tylor, Hiram Stearns and David E. Califf, be the inspectors of said town meeting.

Notice of election. Sec. 5. That Joseph Heald, of Oceana, A. E. Kingsley, of Blue Lake, and Hiram S. Tylor, of Dalton, be required to post notices in three of the most public places within their townships, of the time when, and place where, of the holding of the said first township meeting, at least ten days prior to the holding of said meetings.

Sec. 6. This act shall take immediate effect.

Approved March 4, 1865.

[No. 109.]

AN ACT to change the name of the First Congregational society of Medina, to the First Presbyterian society of Medina.

Name changed. SECTION 1. *The People of the State of Michigan enact*, That the corporate name of the First Congregational society of Medina, in the county of Lenawee, be and the same is hereby changed to the First Presbyterian society of Medina, in the county of Lenawee.

Debts, etc. Sec. 2. All debts, dues, demands, contracts and liabilities of the First Congregational society of Medina, shall be and remain

in force against the First Presbyterian society of Medina, in like manner as when originally incurred by said society under another name and designation; and all the rules and by-laws of said society shall be and remain in force until others are adopted.

Sec. 3. This act shall take immediate effect.

Approved March 4, 1865.

[No. 110.]

AN ACT to amend a "joint resolution for the relief of William Dingman," approved January thirty-first, eighteen hundred and sixty-five.

SECTION 1. *The People of the State of Michigan enact, That* a "joint resolution for the relief of William Dingman," approved January thirty-first, eighteen hundred and sixty-five, Resolution amended. be and the same is hereby amended so as to read as follows:

Resolved by the Senate and House of Representatives of the State of Michigan, That the Commissioner of the State Land Office Duty of Commissioner of Land Office. be and he is hereby authorized and directed to give to the said William Dingman, or to his assigns, the full benefit of such assignments, and all the rights accruing thereby to the said Dingman, or to his assigns, the same as if such assignments were duly acknowledged according to law.

Sec. 2. This act shall take immediate effect.

Approved March 4, 1865.

[No. 111.]

AN ACT to prevent the swindling of persons enlisting into the military or naval service of the United States, or of this State, and to make such offenses felony, and to punish the use of certain means to procure enlistments.

SECTION 1. *The People of the State of Michigan enact, That* any recruiting agent, or other person acting under authority of this State or the general government, or any local municipality, or otherwise, who shall willfully defraud any person enlisting Penalty for defrauding persons enlisting.

or having enlisted into the military or naval service of the United States, or of this State, of the money to which such person is entitled as bounty or pay for such enlistment, or any part of such money, shall be deemed guilty of felony, and upon conviction shall be imprisoned in the State prison for a term of not more than two years

Penalty for
drugging.

Sec. 2. Whoever shall knowingly and willfully administer to any person any stupefying substance or drug, with intent, while such person is under the influence thereof, to induce such person to enter the military or naval service of the United States, or of this State, or of any other State, shall, on conviction, be deemed guilty of felony, and shall be imprisoned in the State prison for a term of not more than two years.

Penalty for
enlisting
persons un-
der arrest.

Sec. 3. It shall not be lawful for any person to induce or procure the enlistment, into the military or naval service of the United States, of any person under arrest, charged with the commission of any offense punishable by imprisonment in the State prison, nor of any person recognized to appear before any court for trial for any offense punishable by imprisonment as aforesaid, unless such person shall be discharged from such arrest, or allowed to go at large upon his own recognizance, by order of the circuit judge of the district, for the purpose of permitting such enlistment; and any person who shall violate the provisions of this act shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished accordingly.

Sec. 4. This act shall take immediate effect.

Approved March 4, 1865.

[No. 112.]

AN ACT to provide for the assessment and collection of certain taxes in the township of Dayton, Tuscola county, and to grant an extension of time therefor.

SECTION 1. *The People of the State of Michigan enact, That* the supervisor of the township of Dayton, in the county of Tuscola, is hereby authorized and empowered, and it is made

Duty of su-
pervisor.

his duty, to make a copy of the valuation of the real and personal property of said township, as it appears in his assessment roll for the year eighteen hundred and sixty-four, and correctly extend therein, as a tax for township purposes, all moneys voted by the electors of said township in the month of December, A. D. eighteen hundred and sixty-three, for bounties to volunteers, with interest thereon, and all moneys voted for highway purposes in the year eighteen hundred and sixty-four, and to extend therein, as a tax for school purposes, all moneys voted by school district number three, in said township, in said year eighteen hundred and sixty-four, and to attach thereto his warrant in due form, commanding the treasurer of said township to collect the taxes therein, and make return and payment of such taxes in the manner, except as to time, prescribed by law, on or before the first day of May, eighteen hundred and sixty-five, and to deliver said tax roll to the township treasurer on or before the first day of April, eighteen hundred and sixty-five:

Sec. 2. It shall be the duty of the township treasurer to file ^{Renewal of bond.} a new bond, with sufficient sureties, in the form prescribed by law, with the county treasurer, on or before the first day of April, eighteen hundred and sixty-five, and to receive said tax roll, and collect and account for said taxes, according to the command of said warrant.

Sec. 3. A transcript of all unpaid taxes in said township, re- ^{Return of unpaid taxes.} turned to the county treasurer of Tuscola county in pursuance of the foregoing provisions, shall be returned to the Auditor General on or before the twentieth day of May, eighteen hundred and sixty-five, and in like manner as is now required by law, except the time of making said returns; and the Auditor General is hereby authorized to receive such returns so made, and such unpaid taxes shall be collected in the same manner, and with interest from the same time, as other taxes for the same year, and duly returned to the Auditor General for non-payment.

Sec. 4. This act shall take immediate effect.

Approved March 4, 1865.

[No. 113.]

AN ACT to authorize the legal voters of the village of White Pigeon, in the county of St. Joseph, to organize under the general law for the incorporation of villages, and to alter the boundaries of said village.

SECTION 1. *The People of the State of Michigan enact,* That it shall be lawful for the legal voters of the village of White Pigeon, in the county of St. Joseph, to meet at the school house in said village; on the first Tuesday of April next, and then and there, by a plurality of votes, proceed to organize the said village corporation, under the provisions of the general law for the incorporation of villages, as set forth in chapter seventy-two of the compiled laws, and the acts amendatory thereof.

Sec. 2. At the election to be holden under this act, there shall be chosen *viva voce*, by the electors present, two judges and a clerk of said election, who shall each take an oath or affirmation faithfully to discharge the duties required of him by this act.

Sec. 3. The corporation of said village, when organized as aforesaid, are hereby authorized to alter the bounds of said village, by vacating so much of the territory in said village as is not included within the following boundaries, to wit: commencing at a point in the east and west quarter line of section one, township eight south, of range twelve west, where the said line is intersected by the east line of the Michigan Southern and Northern Indiana railroad, running thence southerly and easterly along the said line of the said railroad, to a point where it intersects the north and south quarter line of section six, township eight south, of range eleven west; thence north along said quarter line, to the east and west quarter line of said section six; thence west along the east and west quarter lines of sections six and one aforesaid to the place of beginning.

Sec. 4. The officers first elected under this act shall hold their offices until the first Tuesday of March following their election, and until their successors are duly elected and qualified, and all subsequent elections shall be holden on the first

Organisa-
tion author-
ized.

Judges and
clerk of
election.

Corporation
authorized
to alter its
boundaries.

First offi-
cers, terms
of.

Subsequen
elections.

Tuesday of March in each year, at such place as shall be designated by the board of trustees.

Sec. 5. This act shall take immediate effect.

Approved March 4, 1865.

[No. 114.]

AN ACT to authorize the township board of Holland, in the county of Ottawa, to appoint commissioners to establish a rate of tolls and charges, and to aid in the improvement of the harbor at Black Lake, in said county.

SECTION 1. *The People of the State of Michigan enact, That the township board of the township of Holland, in the county of* Appoint-ment of commis-sioners. *Ottawa, for the purpose of improving and keeping in repair the harbor at the mouth of Black lake, in said township, may, at any meeting of said township board, appoint three commissioners, whose qualifications shall be that of an elector of said town-ship, and who shall hold their offices respectively during the pleasure of said township board, whose duty it shall be to fix* Duty of. *and establish a rate of tolls or charges upon all cargoes shipped from or discharged at said harbor, by any water-craft using said harbor or improvements thereof, which said tolls or* Tolls to be a legal de-mand. *charges upon such cargo shall be a legal demand against the owner and master, jointly and severally, of such water-craft, using said harbor or improvements thereof, in taking in or dis- charging such cargo; and said tolls or charges may be collected against such owner and master, or either of them, in the name of said township of Holland, before and in any court of competent jurisdiction.*

Sec. 2. It shall be the duty of the master or clerk of any such Master or clerk to give statement of goods, etc. *water-craft, on demand of said commissioners, or of any one of them, or of their authorized agent or agents, to give to such person or persons, so authorized, a true and correct statement of all goods, merchandise or other cargo on said water-craft, and liable to pay any tolls or charges, which said statement shall be verified by the master or clerk of such water-craft, when required by the said commissioners or their agent.*

Rates of toll
to be estab-
lished.

Notice
thereof.

Copy to be
filed with
Secretary of
State.

Certain
crafts not to
be charged.

Oath and
bond of com-
missioner.

Statement
of receipts.

Moneys ap-
plied to im-
proving
harbor.

Sec. 3. Said commissioners shall, on or before the first day of April of each year, establish a rate of tolls or charges to be collected during and for the term of one year from the said first day of April, and shall file a schedule of the same in the clerk's office of said township. They shall also cause notices of the same to be posted in three or more public places in said township, a copy of which shall, in all cases, be served upon or exhibited to the master or clerk of any such water-craft, of whom said tolls or charges shall be demanded; and the commissioners shall file, or cause to be filed, a true copy of such schedule of tolls or charges in the office of the Secretary of State, on or before the first day of May of each year; a copy of such schedule, duly certified by the Secretary of State, shall be received in evidence in any court of this State, and shall be sufficient proof of the rate of tolls and charges for the year for which it was established, as hereinbefore provided: *Provided*, That no charge whatever shall be made or demanded, where such improvement has been made, for any water-craft which might or could have used said harbor, at the place where the same has been improved, before said improvement had been made.

Sec. 4. Said commissioners, before entering upon the duties of their respective offices, shall take and subscribe the usual oath required by law of township officers, and file a bond with the clerk of the township for the faithful performance of their duties, in such amount as the township board shall direct, to be approved by said board.

Sec. 5. It shall be the duty of said commissioners, their agent or agents, or either of them, to make and verify, under oath, a statement of all moneys received, collected or levied by them, for tolls and charges, under the provisions of this act, and to pay or cause to be paid the same to the treasurer of said township, on or before the first Monday of each month.

Sec. 6. All moneys collected by the said township, or by the said commissioners, or their agent or agents, under the provisions of this act, shall be applied, under the direction of the

harbor board of said township, to the improvement and keeping in repair said harbor, and to no other purpose.

Sec. 7. The compensation of said commissioners, and their agent or agents, shall be such as the township board of said township shall award, not exceeding one dollar per day, when actually performing the duties of their office, and the same shall be paid out of and from the general fund of said township.

Sec. 8. This act shall take immediate effect.

Approved March 4, 1865.

[No. 115.]

AN ACT making appropriations for the support of the State Normal School.

SECTION 1. *The People of the State of Michigan enact, That* the State Treasurer shall transfer from the general fund to the Normal School interest fund, the sum of seven thousand five hundred dollars for the year eighteen hundred and sixty-five, and seven thousand five hundred dollars for eighteen hundred and sixty-six, which sums are hereby appropriated to the Normal School interest fund, and shall be drawn from the treasury in the manner now provided by law in relation to that fund.

Sec. 2. This act shall take immediate effect.

Approved March 8, 1865.

[No. 116.]

AN ACT to organize the township of Laketon, in the county of Muskegon.

SECTION 1. *The People of the State of Michigan enact, That* all of township number ten north, of range number seventeen west, in the county of Muskegon, and State of Michigan, excepting sections number twenty-five and thirty-six, be and the same is hereby set off from the township of Muskegon, in said

county, and organized into a separate township by the name of Laketon; and the first township meeting therein shall be held at the house of Samuel A. Brown, in said township, on the first Monday of April next.

Board of
inspectors.

Sec. 2. Samuel A. Brown, John Ruddiman and Ezra Stevens, are hereby made and constituted a board of inspectors for said township election.

Proceedings
when elec-
tion is not
held at des-
ignated
time.

Sec. 3. If for any reason the township election should not be held at the time herein named, it shall and may be lawful to hold the same at any time thereafter, by giving at least ten days notice of the time and place of such meeting, by posting notices thereof in four of the most public places in said township, which the said board of inspectors are hereby authorized and required to do.

Sec. 4. This act shall take immediate effect.

Approved March 8, 1865.

[No. 117.]

AN ACT to authorize the issuing of patents for certain railroad lands in the Upper Peninsula.

Issue of
patent au-
thorized.

SECTION 1. *The People of the State of Michigan enact*, That whenever any railroad company in the Upper Peninsula, holding a grant of lands to aid in its construction, shall have finished and put in running order any section or sections of said railroad of twenty continuous miles, and the same shall have been accepted as completed, in compliance with the several acts and resolutions of the Congress of the United States and of this State, in relation to said roads, and the said company shall become legally entitled to the lands so granted, the Governor is hereby authorized to convey said lands, by letters patent, in the usual form, to said railroad company or its assigns, which patents, when so issued, shall be *prima facie* evidence of title in all the courts of this State.

Expense of
issuing.

Sec. 2. The expense of issuing said patents shall be paid by the railroad company to which the same are issued, the cost

thereof to be ascertained and fixed by the Commissioner of the State Land Office, and paid to him; and the said patents shall be issued from time to time upon the written request of said company, to be filed with the said commissioner, specifying such lots, parcels, sections, or sub-divisions of sections, as are desired to be included in each patent. Upon receiving and filing such request and specification, the said commissioner shall issue his certificate for a patent for the said lands, which shall contain or have annexed a description of said lands, together with a statement that said company is legally entitled to the same, and that the cost of issuing such patent has been duly assessed and paid; such certificate shall be for such lands only as are named in said specification, and shall be delivered by said commissioner to the Secretary of State, whereupon a patent shall immediately issue, as in other cases.

Certificate of
Commis-
sioner of
Land Office.

Sec. 3. Where two or more of said railroads shall intersect each other, or their grants shall interfere, by reason of their approaching within fifteen miles of each other, and the lands within such interfering area shall be certified to this State for the joint benefit of said railroads, the said railroad companies are hereby authorized and empowered to settle and adjust among themselves a division of said joint land, by metes and bounds, or by legal sub-divisions; and when said companies shall have filed with the Commissioner of the State Land Office an agreement in writing, duly executed by said companies, dividing said lands, and releasing each unto the other the lands which each is to receive, patents shall issue to each company, according to the terms of such agreement, as in the cases above provided for.

Proceedings
where roads
intersect.

Sec. 4. This act shall take immediate effect.

Approved March 8, 1865.

[No. 118.]

AN ACT to provide means to complete and keep in repair the soldiers' national cemetery, at Gettysburg, Pennsylvania.

SECTION 1. The People of the State of Michigan enact, That the
Appropriation. sum of two thousand five hundred dollars of the war fund, be and the same is hereby appropriated, for the purpose of paying the proportion of this State of the expense of completing and keeping in repair the soldiers' national cemetery, at Gettysburg, Pennsylvania, to be expended under the provisions of act number one, of the session laws of eighteen hundred and sixty-four.

Sec. 2. This act shall take immediate effect.

Approved March 8, 1865.

[No. 119.]

AN ACT to incorporate the village of Holly.

SECTION 1. The People of the State of Michigan enact, That
Boundaries. all that tract of country situate in the township of Holly, in the county of Oakland, in the State of Michigan, which is known and described as follows, to wit: east half of section thirty-three, west half of section thirty-four, south half of south-east quarter of section twenty-eight, south half of south-west quarter of section twenty-seven, south-west quarter of south-east quarter of section twenty-seven, west half of north-east quarter of section thirty-four, west half of south-east quarter of section thirty-four, in township five north, of range seven east, be and the same is hereby made and constituted a town corporate, by the name, style and title of the village of Holly.

*Officers,
elective.*

Sec. 2. The officers of said village shall consist of a president, recorder, treasurer and three trustees, to be elected by a plurality of votes, by ballot, of the inhabitants of said village, having the qualifications of electors under the constitution of this State, and who shall hold their offices for the term of one year, and until their successors are elected and qualified; and

the common council of said village are hereby authorized and empowered to appoint such other officers as may be necessary, under the provisions of this act. The election of the officers Elections. provided for shall be held at E. Van Every's hotel, in said village, on the first Monday in May next, and on the first Monday in May annually thereafter, at such place in said village as the common council thereof may appoint for that purpose: *Provided*, That the neglect to hold such election at the time Proviso. hereinbefore named shall not be deemed to work a dissolution of said corporation, but in such case it shall and may be lawful to hold such election at any time thereafter, pursuant to public notice, which may be given by five qualified electors of said village, by posting the same, containing a designation of the time and place thereof, in three of the most public places in said village, at least ten days before such election shall be held.

Sec. 3. At the first election to be held in said village under this act, there shall be chosen, by the qualified electors there present, from among their number, two judges and one clerk of said election, who together shall constitute the board of inspectors thereof, each of whom shall, before entering upon his office, take an oath, before some person authorized to administer oaths, that he will faithfully and impartially discharge the duties thereof. The said board shall conduct the said election and certify the result thereof; and at each and every election thereafter to be held in said village, under the provisions of this act, the common council of said village shall be the board of inspectors thereof, and the recorder shall be the clerk of such board. Board of inspectors and clerk of elections.

Sec. 4. The polls of all elections in said village, under this act, shall be opened at ten o'clock in the forenoon, and shall be continued open until four o'clock in the afternoon of said day, and no longer; the name of each elector voting at such election shall be written in a poll list, to be kept at such election by the clerk of the board of inspectors thereof; after the close of the polls of such election, the board of inspectors thereof Polls, when opened and closed. Poll list. Canvass of votes.

shall proceed, without delay, publicly to count the ballots, unopened, and if the number of ballots so counted shall exceed the number of electors contained in the poll list, the president, if present, and if not, then some other member of the board of inspectors of such election, shall draw out and destroy, unopened, so many of the ballots as shall amount to the excess; and if two or more ballots shall be found rolled or folded together, they shall not be counted; and thereupon the board of inspectors present at such election shall proceed immediately and publicly to canvass and estimate the votes given at such election, and shall complete said estimate on the same or next succeeding day, and shall certify and declare the number of votes given for each officer, the names of the persons for which such votes for such office were given, and the number of votes so given for each person, and shall make and file a certificate thereof in the office of the recorder of said village, within twenty-four hours after the close of said canvass; and the person having the greatest number of votes for any office shall be declared duly elected to such office; and if two or more persons shall have an equal number of votes for the same office, the board of inspectors of such election shall prepare as many strips of paper, of equal size, as there are of persons having an equal number of votes, and shall note the name of one of said persons on each of said slips, and put the same together in a box, and one of the said board shall be blindfolded, and proceed to draw from said box the said slip, and the person whose name shall be first drawn therefrom shall be declared duly elected.

Certificate
of election.

The.

Notice of
elections.

Qualifica-
tions of elec-
tors.

Sec. 5. It shall be the duty of the recorder of said village to give ten days public notice in writing, in three public places in said village, of the time and place of holding all elections, both annual and special, in said village; and no person shall be permitted to vote at any such election unless he is possessed of all the qualifications of an elector under the constitution of this State, and shall have been a resident of said village for ten days

next immediately preceding the day of such election; the re-
 corder of said village shall, within five days after the closing of
 the polls of any election, notify the officers elected thereat, re-
 spectively, of their election; and each of the officers so elected
 and notified shall, before entering upon the duties of his office,
 take and subscribe an oath that he will support the constitu-
 tion of the United States and the constitution of this State,
 and that he will faithfully discharge the duties of his office, and
 shall cause a certificate of such oath to be filed with the re-
 corder of said village within ten days after he shall have been
 notified of his election. If the qualification of any person of-
 fering to vote at such election shall be questioned, the same shall
 be determined by the board of inspectors thereof, upon an ex-
 amination of such person thereto, on his oath, which may be
 administered by any member of said board; and any person
 who shall knowingly swear falsely upon any such examination,
 shall be deemed guilty of perjury, and on conviction thereof
 shall be liable to the punishment provided for that crime by the
 laws of this State.

Notice to
persons
elected.

Proceedings
upon chal-
lenge of vo-
ter.

Sec. 6. The president, recorder and trustees of said village
 shall be a body corporate and politic, with perpetual succession,
 to be known and distinguished by the name and title of com-
 mon council of the village of Holly, and by that name they and
 their successors in office shall be known in law, and by such
 name shall be and they are hereby made capable of suing and
 being sued, of pleading and being impleaded, of answering and
 being answered unto, and of defending and being defended in
 all courts of this State, and any other place whatsoever, and
 may have a common seal, and may alter and change the same
 at pleasure, and by the same name shall be and are hereby
 made capable of purchasing, holding, leasing, conveying and
 disposing of any real or personal estate for the use and benefit
 of said corporation.

Common
council.

Powers of.

Common
seal.

Sec. 7. The common council shall have power to appoint a
 marshal, street commissioner, and such other officers neces-
 sary under the provisions of this act, for said village, whose

Council to
appoint cer-
tain officers.

Bond of. elections are not herein provided for; to require of them such bonds, for the faithful performance of their duties, as they may deem necessary, and to dismiss them at pleasure. The officers so appointed shall, before entering upon the duties of their office, take and subscribe the oath of office hereinbefore provided for, before the recorder, who is hereby authorized to administer the same.

Oath of.

Duty of president. Sec. 8. It shall be the duty of the president to preside at all meetings of the village council, and in case of his absence the common council may appoint one of their own number as president *pro tem.*; and it shall be the duty of the recorder to attend all such meetings, and keep a fair and accurate record of their proceedings, and his compensation for such service shall be a salary not exceeding fifty dollars per annum.

Compensation.

Duty of treasurer. Sec. 9. It shall be the duty of the treasurer to act as collector of the village, to safely keep all moneys coming into his hands belonging to the corporation, and to pay the same on the order of the recorder, countersigned by the president, and at the expiration of his office to hand over all moneys remaining in his hands, and all books and papers pertaining to his office, to his successor, and his compensation shall be a salary of twenty-five dollars per annum, and two per cent. commission on all sums so collected and disbursed by him.

Powers of Marshal. Sec. 10. The marshal shall be a police constable, and shall serve any and all papers that may be issued by the recorder, or any other officer, by virtue of this act of incorporation, and shall be entitled to demand and receive the same fees as are allowed and paid to constables for similar services, and shall be entitled to the same privileges, and subject to the same liabilities, as are provided for constables in the discharge of their duties by the laws of this State; and the village corporation shall not be liable to him for any other compensation for services.

Fees of.

Security of treasurer and marshals. Sec. 11. The treasurer and marshal shall, respectively, before they enter upon the exercise of the duties of their respective offices, give such security for the faithful discharge of the trusts

reposed in them as the common council shall direct and require.

Sec. 12. The president, recorder and trustees, when qualified ^{Quorum of council.} and assembled together, shall constitute the common council of the village of Holly, and a majority of the whole shall be necessary to constitute a quorum for the transaction of business, though a less number may adjourn from time to time; and the said common council shall hold their meetings at such ^{Meeting of.} time and place as they may from time to time appoint; and ^{Fines for non-attendance.} they shall have power to impose, levy and collect such fines as they may deem proper for non-attendance of the officers and members thereof, at any such meeting, and also to require the attendance of any officer by them appointed, and to impose and collect fines for non-attendance: *Provided, That no such* ^{Proviso.} fine shall exceed five dollars for any one offense.

Sec. 13. In case of the death, resignation or removal of the ^{Vacancies, election to fill.} president, recorder, or any of the trustees, or other officers elected by the electors of said village, such death, resignation or removal shall be announced by the president or recorder to the members of the common council, who shall convene as soon as may be, and order, by a public notice, to be posted up in three public places in said village, that an election will be held by the electors of said village to elect a suitable person or persons to fill such vacancy or vacancies, which shall be conducted and certified in the manner as hereinbefore provided for the election of village officers, which election shall be ordered to be held at any time, and not less than five days, nor more than sixty days, after such vacancy shall have occurred: *Provided, That if at any time there is a single vacancy, the common council may fill the same by appointment, at any regular meeting.* ^{Proviso.}

Sec. 14. The inhabitants of said village shall be liable to the ^{Inhabitant liable to laws relative to townships.} operation of any and all laws relating to township government, except so far as relates to laying out, altering, vacating and constructing streets, highways and bridges, and the labor so per-

Highway taxes.	formed thereon within the limits thereof; and the said common council are hereby vested with full power and authority to assess and levy such an amount of labor, upon the real and personal property in said village, as they may deem necessary to be performed upon the streets, highways and bridges in said village, and for that purpose they are hereby vested with the same power given by law to the commissioners of highways, and may levy a poll tax, not exceeding one dollar upon each person liable therefor by the laws of this State, and may provide for commutation therefor at any sum not exceeding one dollar for each day's labor assessed; and may make ordinances providing for the return of such taxes assessed or unpaid on real estate not occupied by the owners thereof, and that such tax shall be a lien on such real estate, and cause the same to be sold in the same manner provided by section twenty-seven of this act: <i>Provided</i> , Such highway tax shall not exceed one day for every two hundred dollars valuation, exclusive of poll tax.
Poll tax.	
Return of unpaid taxes.	
Proviso.	
Powers of common council.	Sec. 15. The common council shall have full power and authority to make by-laws and ordinances relative to the duties, powers and fees of the marshal, treasurer and other officers, relative to the time and manner of working upon the streets, lanes and alleys of said village; relative to the manner of assessing, levying and collecting all highway and other taxes in said village; and the common council shall have power to make by-laws and ordinances relative to all nuisances within the limits of said village, and for the abatement of the same, and for the punishment, by fine, of all persons occasioning the same; to construct sewers and reservoirs; to regulate the construction of private drains; to license all showmen; to suppress all games of chance and hazard; to compel the owners of buildings to procure and keep in readiness such number of fire buckets and ladders as shall be ordered by the common council; to regulate bridges within the limits of said village; relative to protecting the village from fires; relative to calling meetings of the electors of said village; relative to the keeping
Fees.	
Taxes.	
Nuisances.	
Sewers, etc.	
Showmen.	
Fire buckets.	
Gunpowder.	

and sale of gunpowder in said village; relative to restraining ^{Animals running at large.} swine, horses and other animals from running at large in the streets, lanes, alleys and other public places in said village; to regulate and establish one or more pounds in said village; to ^{Grading streets.} make all necessary rules and regulations relative to the grading of streets, alleys and lanes, and side-walks, within the limits of said village, and to prescribe the grade upon which the same shall be built, and the width and manner of building the same; to cause the streets and side-walks within the limits of said village to be graded and properly improved, and to impose taxes and assessments for that purpose within the limits of said village, in the manner hereafter provided, and to license, suppress or regulate all billiard tables, and all other gaming ^{Billiard tables.} tables kept for hire, gain or reward, in said village; and also ^{Disorderly houses.} full power and authority to make all such by-laws and ordinances as may be deemed by the common council expedient or necessary for preventing or suppressing all disorderly or bad houses: *Provided always,* Such by-laws shall not be repugnant ^{Proviso.} to the constitution and laws of the United States or of the State of Michigan: *And provided, also,* That no by-laws or or- ^{By-laws to be published.} dinances of said corporation shall have any effect until the same shall have been published one week in a newspaper printed in the county of Oakland, or by written or printed notices posted up one week in three of the most public places in said village.

Sec. 16. The common council shall have full power to pur- ^{Cemeteries.} chase and hold, for the use of the inhabitants of said village, suitable grounds for cemeteries, and burial places for the dead thereof, to cause the same to be properly prepared, enclosed or ornamented, to make all needful rules and regulations respecting the same, and the management thereof, and to levy and collect taxes upon the taxable property of said village, to pay all necessary expenses incurred in so doing, and also to make ^{Shade trees.} rules and regulations concerning shade and ornamental trees along the line of the streets and side-walks of said village.

- Fires.** Sec. 17. The common council shall have power to make all such by-laws and ordinances as they may deem necessary to secure said village and the inhabitants thereof against injuries by fire, and persons violating the public peace; for the suppression of riots and gambling, and for the punishment of the same; for the apprehension and punishment of vagrants, drunkards and idle persons; and they shall have power and authority to make all such by-laws and ordinances as to them shall seem necessary for the safety and good government of said village and the inhabitants thereof, and to impose all fines, penalties or forfeitures, on all persons offending against the by-laws and ordinances made as aforesaid.
- Public peace**
- Vagrants.**
- Fines.**
- Vending of liquors.** Sec. 18. The common council shall have power to prevent the vending of liquors in any place within said village; to regulate the measuring of fire-wood and the weighing of hay, and to prescribe and designate the stand for carts, wagons and drays, and for wood, hay and produce exposed for sale in said village; to appoint a sealer of weights and measures; to prevent and punish immoderate driving in any of the streets of said village; to prohibit bathing in any of the public waters of said village; to prevent the incumbering of the streets, side-walks, alleys, public grounds or squares; to provide for ornamenting the public grounds of said village; and to regulate all grave-yards and places of burial for said village.
- Stands for carts, etc.**
- Immoderate driving.**
- Bathing.**
- Obstructing streets.**
- Public grounds**
- Altering streets, etc**
- Proceedings when private property is taken.** Sec. 19. The common council shall have authority to lay out and establish, vacate, open, make and alter such streets, lanes, alleys, side-walks, highways, water-courses and bridges, within the limits of said village, as they may deem necessary for the public convenience; and if, in the exercise of this power, they shall require for any such purpose the grounds of any person, they shall give notice thereof to the owner or parties interested, or his, her or their agent or representative, by personal service, or by written notice posted up in three of the most public places in said village, at least three weeks next preceding the meeting of the said common council, for any of the purposes aforesaid; and the said common council are hereby authorized

to treat with such person or persons for such ground or premises; and if such person or persons shall refuse or neglect to ^{Summon} treat for the same, or if the parties cannot agree therefor, it shall and may be lawful for said common council to direct the recorder of said village to issue a *venire facias*, to command the marshal of said village, or any constable of said county, to summon and return a jury of twelve disinterested freeholders, to be taken without the limits of said village, to appear before any justice of the peace of said village, and at any time therein to be stated, to inquire into the necessity of using such ground or premises, and the just compensation to be made therefor to the owner or owners of, or parties interested in, such ground or premises, which jury, being first duly sworn by said justice ^{Proceedings} faithfully and impartially to inquire into the necessity of using ^{of} such ground or premises, and the just compensation to be made therefor, and having viewed the premises, if necessary, shall inquire of such necessity, and assess such damages and compensation as they shall judge fit to be awarded to the owner or owners of, or parties interested in, such ground or premises, for their respective losses, according to the several interests or estates therein; and the said justice shall, upon the return of ^{Judgment,} such assessment or verdict, enter judgment therefor, confirming the same; and such sum or sums so assessed, together with all costs, shall be paid or legally tendered before such street, lane or alley, side-walk, highway or bridge shall be made, opened or established, or altered, to the claimant or claimants thereof; it shall thereupon be lawful for the common council to cause the same grounds or premises to be occupied and used for the purposes aforesaid: *Provided*, That the common council, or any party claiming damages as aforesaid, may have the right to remove such proceedings by appeal to the circuit court, or any other court of competent jurisdiction, upon giving notice of his, her or their intention so to do, to said justice, in writing, within ten days, or in case of the absence of said party from said village, (at the time of the rendition of the judgment,) then within thirty days after the verdict of such jury and the

Proviso.

judgment of said justice as aforesaid; upon the filing of a transcript of the proceedings aforesaid, duly certified by the said justice, within forty days after the verdict and judgment as aforesaid, in the circuit court, or any other court of record having appellate jurisdiction, the same proceedings shall be had as is prescribed by law in other cases of appeal: *Provided*, That if final judgment for damages shall not exceed the damages assessed before the justice at least five dollars, then the party appealing shall pay all costs occasioned by such appeal.

Corporation
to use coun-
ty jail.

Sec. 20. The corporation of the village of Holly shall be allowed the use of the common jail of the county of Oakland, for the imprisonment of all persons liable to imprisonment under the by-laws and ordinances of the common council; and all persons committed to jail by the recorder, or any justice of the peace, for violation of any by-law or ordinance of said common council, shall be in the custody of the sheriff of the county, who shall safely keep the person so committed until lawfully discharged, as in other cases.

Powers of
justices of
the peace.

Sec. 21. Any justice of the peace of the township of Holly is hereby authorized and empowered to inquire of, hear, try and determine, in a summary manner, all the offenses which shall be committed within the limits of said village against any of the by-laws, ordinances and regulations that shall be made, ordained or established by the said common council, in pursuance of the powers granted to them in this act, and to punish the offenders as by the said by-laws, ordinances or regulations shall be prescribed or directed: *Provided, always*, That any person, on a charge of violating any of the by-laws, ordinances or regulations aforesaid, may demand and have a trial by jury, and either party may appeal to the circuit court of Oakland county.

Proviso.

Compensa-
tion of offi-
cers.

Sec. 22. The recorder, treasurer and marshal shall receive such compensation for their services as hereinafter specified; and other officers appointed such amount, respectively, as the by-laws and ordinances shall direct; but the residue of the

common council shall not receive any pecuniary compensation for their services.

Sec. 23. The common council shall, at the expiration of each year, cause to be published a just and true statement of all moneys received or expended by them in their corporate capacity, during the year next preceding such publication, also the disposition thereof, previous to which they shall settle and audit the accounts of the treasurer, and all other officers and persons having claims against the said village, or accounts with it, and shall make out in detail a statement of all receipts and expenditures, which statement shall fully specify all the appropriations made by the common council, and the objects and purposes for which the same were made, and the money expended under each appropriation, the amount of taxes raised, the amount of contingent expenses, the amount on highways and streets, and all such information as shall be necessary to a full and perfect understanding of the financial concerns of said village.

Sec. 24. In all processes, prosecutions and other proceedings, wherein the common council of said village shall be a party, no citizen of said village shall be deemed an incompetent juror or witness on account of the interest of such citizen in the event of such process or proceeding: *Provided*, That such interest be only that which is in common with the citizens of said village.

Sec. 25. Whenever any action or suit shall be commenced against the corporation, process against said corporation shall be served by leaving a copy of such process, attested by a proper officer, with the recorder of said corporation, or at his usual place of business therein, whose duty it shall be forthwith to inform the president and trustees thereof: *Provided*, That the first process shall be by summons, and a copy thereof left with the recorder at least ten days before the return day thereof.

Sec. 26. The common council shall have full power and authority to levy and collect a capitation or poll tax upon the le-

Annual report of common council

Citizens competent to act as jurors, etc.

Proviso.

Suit against corporation, how commenced.

Summons.

Council may levy taxes.

Proviso.

as a lien.

Marshal
may sell
property in
default of
payment.

Notice of
sale of real
estate.

Certificate,
of sale

Redemption

Conveyance

gal voters of said village, and also taxes on all real or personal property (not exempt from taxation) within the limits of said village, necessary to defray the expenses thereof: *Provided*, The said taxes so assessed and collected shall not exceed, in any one year, one half of one per centum upon the valuation of said real and personal property, and exclusive of the sidewalk, highway and capitation or poll tax; and every assessment of taxes lawfully laid and imposed by the said common council on any lands, tenements, hereditaments or premises whatsoever, in said village, shall be and remain a lien on such lands, tenements and hereditaments, from the time of making such assessments, or imposing such tax, until paid; and the owner or occupants, or parties in interest, respectively, in said real estate, shall be liable upon demand to pay every such assessment or tax to be made as aforesaid, and in default of any payment, or any part thereof, it shall be lawful for the marshal of said village to sell personal estate, and for the want thereof to sell real estate, rendering the surplus, if any, after deducting the charges of such sale, to the person against whom the tax is levied: *Provided*, That whenever any real estate shall be sold by the marshal, notice thereof shall be published in a newspaper printed in said county, for at least four weeks, once in each week, previous to such sale, and the said marshal shall give to said purchaser or purchasers of any such lands a certificate in writing, describing the lands purchased, and the time when the purchase will be entitled to a deed for said land; and if the person claiming title to said lands described in the certificate of sale shall not, within one year from the date thereof, pay to the said treasurer of said village, for the use of the purchaser, his heirs or assigns the sum mentioned in such certificate, together with the interest thereon, at the rate of twenty per cent. per annum, from the date of such certificate, the said marshal, or his successor in office, shall, at the expiration of said year, execute to the purchaser or purchasers, his or their heirs and assigns, a conveyance of the lands so sold; and the said conveyance shall be *prima facie* evidence that the sale,

and all the proceedings therein prior to such sale, were regular, according to the provisions of this act and the ordinances of such village; and every such conveyance, executed by said marshal under his hand and seal, in the presence of two or more subscribing witnesses, and duly acknowledged and recorded in the usual form, may be given in evidence in the same manner, and with like effect, as a deed regularly executed and acknowledged by the owner, and duly recorded; and when such deed shall have been on record for five years, in the office of register of deeds of said Oakland county, it shall be conclusive evidence of title in the person to whom such real estate was sold, his heirs or assigns, unless it shall be made to appear that the tax for which the land was sold had been duly paid, or that the said land was not liable to taxation at the time such tax was assessed; all personal property sold for taxes in said village, shall be sold in such manner as the by-laws and ordinances of the village shall prescribe. Effect of. Sale of personal property.

Sec. 27. It shall be the duty of the supervisor of said township, who is constituted *ex officio* assessor of said village, to take the assessment of said village at the time he takes the assessment of said township, in all respects the same, and annex thereto the usual certificate, and file the same in the office of the recorder of said village, on or before the first Monday of May in each year, whereupon it shall be the duty of said common council to give notice that at a certain time and place, not less than five or more than ten days, said common council will meet to hear any person considering himself aggrieved by the assessment made by said supervisor, and said common council are hereby authorized, upon sufficient cause shown, to reduce or increase said valuation, and when so corrected said common council shall annex a certificate to said assessment roll, to be signed by the president and recorder, that said roll has been revised and corrected by said common council, which said certificate shall be *prima facie* evidence of the regularity of the assessment of said village. Supervisor to take the assessment. Review of. Certificate of correction.

Duplicate of taxes. Sec. 28. It shall be the duty of the common council to make, or cause to be made out, a duplicate of taxes, charging each individual therein an amount of tax in proportion to the amount of real and personal estate of such individual within said village, which duplicate shall be signed by the president and recorder, or in case of their absence, or the absence of either of them, by any two members of the common council,

Collection of and delivered to the marshal, whose duty it shall be to collect the same within such time, and in such manner, as the by-laws and ordinances of the village shall direct.

Moneys collected to be paid treasurer. Sec. 29. All moneys to be raised by tax in said village shall be collected and paid over by the treasurer thereof, in accordance with the provisions of the ordinances of said village:

Proviso. *Provided, however,* That the highway rolls may be collected by the street commissioner, who, for that purpose, is hereby vested with all the powers of overseers of highways under the laws of this State, and such other powers as may be conferred upon him by the ordinances of the village.

Street commissioner, duties of. Sec. 30. The common council shall have power to appoint one street commissioner, to superintend and direct the making, paving, repairing and opening of all streets, lanes and alleys, side-walks, highways or bridges, within the limits of said corporation, in such manner as the common council shall from time to time direct; also for establishing the line upon which buildings may be erected, and beyond which such buildings shall not extend; and the common council shall cause the expenses of grading and making such side-walks to be assessed on lots or premises adjoining such improvements, or by general assessments, or otherwise, as they may direct.

Expense of grading, how assessed. Sec. 31. The common council shall have authority to establish and organize all such fire companies, and hose and hook and ladder companies, and provide them with engines and other instruments, as shall be necessary to extinguish fires, and preserve the property of the inhabitants of said village from conflagrations; to appoint from among the inhabitants of said village such number of men, willing to accept, as may be

Firemen.

deemed proper and necessary to be employed as firemen: *Pro-Provided*, Such number does not exceed fifty in the management of one engine; and such fire, hose, hook and ladder company shall have power to appoint their officers, pass by-laws for the organization and good government of said companies, subject to the approval of the common council, and they may impose such fines, for the non-attendance or neglect of duty of any of its members, as may be established by such by-laws and regulations of every such company; and every person belonging to such company shall obtain from the recorder of said village a certificate to that effect, which shall be evidence thereof; and it shall be the duty of every fire company to keep in good and perfect repair the fire-engines, hose, hooks and ladders, and other instruments of such company; it shall be the duty of each fire company to assemble at least once in each month, or as often as may be directed by said common council, for the purpose of working or examining said engine and other instruments, with a view to their perfect order and repair; and the fire department shall, in all respects, be under the control and government of the common council, and shall obey all by-laws and ordinances of the village, under such penalty as shall be prescribed therein.

Sec. 32. Upon the breaking out of any fire in said village, the marshal shall immediately repair to the place of such fire, and aid and assist as well in extinguishing said fire, as in preserving any goods from being stolen, and also removing and securing the same, and shall in all respects be obedient to the president, recorder and trustees, or either of them, who may be present at the fire.

Sec. 33. This act shall be deemed a public act.

Public act .

Sec. 34. This act shall take immediate effect.

Approved March 8, 1865.

[No. 120.]

AN ACT to legalize the tax roll of the village of Lowell, in the county of Kent, for the years eighteen hundred and sixty-two, eighteen hundred and sixty-three and eighteen hundred and sixty-four.

Tax roll legalized.

SECTION 1. *The People of the State of Michigan enact, That* the tax roll of the village of Lowell, in the county of Kent, for the years eighteen hundred and sixty-two, eighteen hundred and sixty-three and eighteen hundred and sixty-four, be and the same is hereby declared to be as valid and legal as if the south-east quarter of the north-east quarter of section two, of the township of Lowell, county of Kent, had been included in the boundary of the said village of Lowell.

Sec. 2. This act shall take immediate effect.

Approved March 9, 1865.

[No. 121.]

AN ACT to enlarge the boundaries of the township of Vassar, in the county of Tuscola.

Territory annexed.

Proviso.

SECTION 1. *The People of the State of Michigan enact, That* the east half of sections one and twelve, of the township of Tuscola, in the county of Tuscola, be and the same hereby is detached from the township of Tuscola and annexed to the township of Vassar, in said county; and that the boundaries of the said township of Vassar are hereby so changed to include the said half sections as above described: *Provided, That* the said detached territory shall still be deemed a part of the township of Tuscola for the purpose of filling the quota of said township under the call of the President for volunteers, made in December, A. D. eighteen hundred and sixty-four, and for the further purpose of paying all bounties heretofore pledged by said township to volunteers, and remaining unpaid; and to these ends said territory shall be liable precisely as it would have been had this act not passed.

Sec. 2. This act shall take immediate effect.

Approved March 9, 1865.

[No. 122.]

AN ACT to amend an act entitled "an act to revise and amend the charter of the city of Saginaw," approved February fifth, eighteen hundred and fifty-nine

SECTION 1. *The People of the State of Michigan enact, That sections six, eleven, thirteen, thirty-eight, forty-seven, forty-eight, forty-nine, fifty, fifty-one and fifty-four of an act entitled "an act to revise and amend the charter of the city of Saginaw," approved February fifth, eighteen hundred and forty-nine, be so amended as to read as follows:*

Sec. 6. There shall also be elected at the same time, in and for each of the several wards in said city, one constable, who shall hold his office for the term of one year, and one alderman who shall hold his office for the term of two years, and until their successors shall be elected and qualified; and every third year there shall be elected one supervisor, who shall hold his office for the term of three years, and until his successor shall be elected and qualified: *Provided, That at the election held in the year eighteen hundred and sixty-five there shall be elected in the first ward of said city one supervisor, who shall hold his office for the term of one year, in the second ward one supervisor, who shall hold his office for two years, and in the third ward one supervisor, who shall hold his office for the term of three years, and at the expiration of each of said terms, and every third year thereafter, there shall be elected, in each of said wards, a supervisor for the term of three years, and until his successor shall be elected and qualified; each of the said supervisors shall be the supervisor of the ward for which he is elected, with all the powers of supervisors of townships in this State, and subject in all respects to the provisions of law regulating the duties of township supervisors, except as in this act is otherwise provided, and to such other duties as may in this act be required of them; there shall also be elected in said city, at the next charter election held therein, and every third year thereafter, one assessor, who shall hold his office*

for three years, and until his successor shall be elected and qualified.

Assessment
and collec-
tion of taxes

Sec. 11. The common council shall have authority to assess, levy and collect taxes on all real and personal estate taxable in said city, which taxes shall be and remain a lien upon the prop-

Limitation.

erty so assessed until the same shall be paid: *Provided*, That they shall not raise by general tax more than twenty-five hundred dollars in any one year, exclusive of school taxes and taxes for highway purposes, and such sums as may be necessary to pay any bonds of the city, or interest thereon, as the same shall mature and become payable, unless authorized thereto by a vote of the property tax payers of said city who are electors, when convened for that purpose, pursuant to previous notice.

Tax over
\$2,500, how
raised.

Notice.

Contents
thereof.

Electors to
determine
the amount.

Limited to
one per
cent.

Proviso.

Mayor to
preside.

Compensa-
tion of off-
cers.

Mayor, etc.

Sec. 13. Whenever the common council shall deem it necessary to raise a greater sum in any one year than twenty-five hundred dollars, exclusive of taxes for school and highway purposes, and sums due on city bonds, they shall give at least five days' notice in writing, to be posted in five public places in said city, which notice shall state the time and place of such meeting, and shall specify the object and purposes for which the money proposed to be raised is to be expended, and when such meeting shall be assembled, in pursuance of such notice, such electors, by a *viva voce* vote, shall determine the amount of money that shall be raised for each object specified in the notice: *Provided*, That such tax shall not in any one year exceed one per centum upon the valuation of the real and personal estate taxable within the limits of said city: *And provided also*, That not more than two such meetings shall be held in any one year to determine the amount of tax to be raised; at all such meetings the mayor, or in his absence the recorder, shall preside.

Sec. 38. The officers of said corporation shall be entitled to receive out of the city treasury the following sums, in full payment for their services; the mayor, aldermen, street commissioner, directors of the poor, school inspectors, and all

other officers not otherwise provided for, shall be entitled to receive such compensation as the common council shall allow, not exceeding two dollars per day, and at the same rates for parts of a day, actually employed in the performance of the duties of their respective offices; the city attorney shall be ^{Attorney.} entitled to receive such sum as the common council shall allow, not exceeding one hundred dollars per annum; the marshal ^{Marshal.} shall be entitled to receive the same fees for serving process in behalf of the corporation as constables are by law allowed for similar services, and he shall also receive such further compensation, not exceeding fifty dollars per annum, as the common council shall allow; the treasurer, justices of the peace, and ^{Treasurer, justices and constables.} constables shall be allowed the same fees as are by law allowed to corresponding township officers, unless in this act otherwise provided; the recorder shall be entitled to receive such sum ^{Recorder.} as the common council shall allow, not exceeding five hundred dollars per annum.

Sec. 47. The supervisor of each ward shall have and exercise, within his ward, all the powers, authority and functions ^{Powers of supervisor.} of supervisors of townships, as now provided, or may be hereafter provided by law, except as herein otherwise provided, and each of them, and the assessor of the city, shall be members of the board of supervisors of the county of Saginaw, and as such ^{Compensation.} shall be entitled to the same compensation, and shall be paid in the same manner.

Sec. 48. The annual assessment of property in the city shall ^{Annual assessment, by whom and when made.} be made by the assessor thereof, at the same time, and in the same manner, as assessments are taken and made in the townships of this State.

Sec. 49. Said assessor shall receive, as compensation for his ^{Compensation of assessor.} services in taking the assessment of taxable property in said city, the sum of two dollars per day, said compensation to be audited and paid by the common council of said city.

Sec. 50. The accounts and demands of all officers, and of all ^{Accounts to be verified.} other persons against the city, shall be verified by affidavit, and

Itemized. shall set forth the items thereof in detail, which affidavit may be taken and certified by any member of said common council.

Assessor to
make as-
sessment.

Sec. 51. The assessor of said city shall, in each and every year, make and complete the assessment of all the real and personal property subject to taxation within said city in the same manner, and within the same time, as required by law for the assessment of property in the several townships of this State; and in so doing he shall conform to the provisions of law governing the action of the supervisors of the several townships of this State, performing like services; and in all other respects he shall, unless otherwise in this act provided, conform to the provisions of law governing the action of supervisors in the several townships of this State in the assessment of property; the said assessor shall, within five days after the expiration of the time fixed by law for the completion and review of the assessment rolls of townships, deliver the assessment roll to the recorder, who shall thereupon copy the

Equalization said roll; the said roll shall remain in the office of the recorder until the meeting of the board of supervisors of Saginaw county, for the purpose of equalizing the assessment rolls of said county, at which time said copied roll shall be delivered by said recorder to the assessor of said city, who shall present the same to said board for equalization; immediately after the equalization, said roll shall be returned to said recorder.

Collection
per centage.

Sec. 54. For the collection of all such taxes the city treasurer, or other person appointed to collect the same, shall be entitled to receive such per centage as shall be prescribed by the common council by ordinance, not exceeding four per centum upon the sum to be collected, which sum shall be added in the computation of the taxes on said tax roll of said city: *Provided*, On all taxes paid during the first fifteen days after said tax roll shall be delivered to said treasurer or appointee, there shall be deducted all collection fees over one per cent, which one per cent. shall be all the compensation said treasurer or appointee shall receive for collecting said taxes so paid, and the treasurer or appointee shall remain in his office and receive such

Proviso.

taxes, during ordinary business hours, for the fifteen days above specified, and shall publish the time and place where such taxes can be paid for two weeks from the time of receiving said tax roll, in some newspaper published in said city, and by posting notices.

Sec. 2. This act shall take immediate effect.

Approved March 9, 1865.

[No. 123.]

AN ACT to amend section seven of an act entitled "an act to re-incorporate the village of Buchanan, and to repeal all inconsistent acts, and parts of acts," approved March seventh, eighteen hundred and sixty-three.

SECTION 1. *The People of the State of Michigan enact, That* section seven of "an act to re-incorporate the village of Buchanan, and to repeal all inconsistent acts and parts of acts," approved March seventh, eighteen hundred and sixty-three, be amended to read as follows:

Sec. 7. The president and trustees shall have power to ordain and establish by-laws, rules and regulations, and to alter and repeal the same at pleasure, for the following purposes, viz: for the appointment of a treasurer, and prescribing his duties, one assessor, and such other officers for said village as they may deem necessary and right for the maintenance and preservation of the public property and buildings of said village; to regulate the police thereof; to preserve the public peace; to prevent riots, disturbances, and disorderly assemblages; to appoint watchmen and policemen, and organize a fire department, and define their duties, and prescribe penalties for their delinquencies; to restrain, apprehend and punish vagrants, mendicants, drunkards, and all disorderly persons; to punish lewd and lascivious behavior in the streets or other public places; to suppress and restrain disorderly and gaming houses, billiard tables, and other devices and instruments of gaming, and shall have the exclusive power and authority to license such persons

Spirituons liquors. Immoderate driving.	as tavern keepers, and common victualers, as they shall think best, but no license shall be in force except during the life of the board granting it; to prevent the selling or giving away of spirituons or fermented liquors contrary to law; prevent and punish persons for inordinate riding or driving in the streets,
Nuisances.	or any of the public grounds of said village; to abate, prevent and remove nuisances; to suppress all disorderly houses and houses of ill-fame, and to punish keepers and inmates thereof;
Obstructing streets, etc.	to prevent and compel the removal of all incumbrances, encroachments and obstructions upon the streets, walks, lanes, alleys, parks and public grounds; to compel the owners or occupants of lots to clear the sidewalks in front of, and adjacent thereto, of snow, ice, dirt, mud, boxes and every incum-
Powder.	brance or obstruction thereto; to regulate the storage of pow-
Fire arms.	der, lumber, or other combustible materials; to prevent the use of fire-arms, slung-shot and other weapons, and fire-works;
Markets.	to construct and regulate markets for the vending of poultry, meat, vegetables, fruits and fish; to regulate the sale of hay, wood, lime, lumber and coal; to regulate the gauging of ves-
Pounds.	sels containing liquors, the sealing of weights and measures; to maintain and regulate pounds, and to provide for the re-
Dogs.	straint of horses, cattle, sheep, swine, mules and other animals, geese or other poultry; to prevent the running at large of dogs, to require them to be muzzled, and to authorize their destruc-
Cartmen, etc..	tion if found at large, in violation of any ordinance; to regulate and license cartmen, porters, hacks, cabs, and to regulate their rates of compensation; to prevent runners from soliciting
Hydraulic works.	travelers; to construct hydraulic works to supply the village with water; to light the streets; to borrow money for public
Wells.	improvements, not exceeding two thousand dollars in any one year; to establish wells and cisterns, and prevent the waste of
Cemeteries.	water; to prevent bathing in public streams; to purchase grounds for, and regulate and improve cemeteries, and the burial of the dead, and to provide for the return of the bills of mortality, and to order the removal of the dead from any burying ground, and to order the use for burial purposes of any

burying ground or cemetery to be discontinued, whenever they may deem the same necessary for the best interest of the citizens; to ascertain, establish and settle the boundaries of all streets and alleys, and to establish grade therefor, also, to order and cause the same to be drained or filled up, and to assess the cost and expense of the same on the lot or premises benefitted; to regulate the building of partition and other fences; to establish lines upon which buildings may be erected, and beyond which such buildings shall not be erected or extend; to prevent the erection of buildings in an unsafe manner, and to pass all necessary regulations relative to buildings deemed unsafe; to purchase and keep in order fire-engines and other fire apparatus, and to construct, loan or purchase buildings to store them, and to cause each building occupied as a house or dwelling, store, shop or office, to be provided with fire-buckets and ladders, establish fire limits, within which no wooden building shall be built, enlarged or placed; to regulate party walls, chimneys, flues, and putting up stoves and stove-pipes; to regulate the construction of smith shops, planing establishments, bakeries, and other buildings considered extra hazardous; to guard against fires; to regulate the duties, powers and fees of village officers; to prescribe the setting of posts and shade trees; to provide for the construction of side and cross walks, and repairing the same; to grade the walks, streets and alleys, and to prescribe the manner of planking or paving them; the cost and expense of grading, constructing and repairing the side and cross walks to be paid by assessment on the lot or lots in front of, or the premises adjoining which, either or all of said improvements shall be made; to construct and keep in repair the public highways, bridges, culverts and sewers; to lay out new streets and alleys, and extend those already laid out, under the restrictions provided in this act; to vacate streets and alleys; to prescribe the levying and collection of highway and other taxes; to provide for taking a census whenever they shall see fit; to regulate

Boundaries
of streets.

Fences.

Building
limits.

Fire-engines

Fire-buck-
ets, etc.

Precautions
against fire.

Shade trees.

Grade of
streets, etc.

Highways,
bridges, etc.

Census.

Auctioneers, etc. theatres, shows and concerts; to regulate and tax, at their discretion, auctioneers, or auction sales, gift enterprises, hawkers, hucksters, peddlers and pawnbrokers; to regulate the covering of mill races, at the expense of the owners thereof; to provide for the removing of drift and flood wood from McCoy's creek and bridges, and all mill races or ponds in the village, and to prevent the placing therein any obstructions, and the depositing of all filth therein, and all impure matter, tending to render the water thereof unwholesome, and so to regulate and improve the channel of the McCoy's creek as to secure the free and uninterrupted passage and discharge of the waters thereof; to rail and curb when necessary all walks, at the expense of the owners of adjoining lots; to levy taxes on all real and personal estate within the limits of the village, except property belonging to the town, county, or village, or State, excepting also places of public worship belonging to any church or congregation, and also all grounds and buildings used exclusively for educational purposes; to take the land of any individual for the purpose of constructing, widening, or extending streets, but not until such individuals shall be paid the value thereof, and all buildings thereon, and all the damages he, she or they may sustain, as provided for in this act; for the violation of any by-laws, rules and regulations, such reasonable penalties may be imposed in and by such rules, regulations and by-laws, as the president and trustees may deem proper; and when any fine or penalty shall not exceed one hundred dollars, the same may be recovered before any justice of the peace in the township of Buchanan; and any interest the inhabitants of the village may have in the fine or penalty to be recovered, shall not disqualify any inhabitant of said village to try said cause, or serve as a juror or witness therein; and the circuit court of Berrien county shall have jurisdiction to try and determine all causes brought for the recovery of any fine or penalty imposed by said law.

Take private property.]

Penalty for violating by-laws.

Inhabitants may serve as jurors.

Sec. 2. This act shall take immediate effect.

Approved March 9, 1865.

[No. 124.]

AN ACT to designate the holidays to be observed in the acceptance and payment of bills of exchange and promissory notes, in the holding of courts, and relative to the continuance of suits.

SECTION 1. *The People of the State of Michigan enact, That* the following days, viz: the first day of January, commonly called New Year's day, the fourth day of July, the twenty-fifth day of December, commonly called Christmas day, and any day appointed or recommended by the Governor of this State, or the President of the United States, as a day of fasting and prayer, or thanksgiving, shall, for all purposes whatsoever, as regards the presenting for payment or acceptance, and of the protesting and giving notice of the dishonor of bills of exchange, bank checks and promissory notes, made after the passage of this act, also for the holding of courts, be treated and considered as is the first day of the week, commonly called Sunday: *Provided, That in case the return or adjourn day in any suit matter, or hearing before any court, shall come on any day so appointed or recommended by the Governor of this State, or the President of the United States, as a day of fasting and prayer, or thanksgiving, such suit, matter or proceeding, commenced or adjourned as aforesaid, shall not, by reason of coming on any day recommended by the Governor of this State, or the President of the United States, as a day of fasting and prayer, or thanksgiving, abate, but the same shall stand continued on the next succeeding day, at the same time and place, unless the next day shall be the first day of the week or a holiday, when in such case the same shall stand continued to the day next succeeding said first day of the week or holiday, at the same time and place.*

Holidays designated.

To be regarded as the first day of the week for certain purposes.

Proviso.

Proceedings when return or adjourned day of suit comes thereon.

Approved March 8, 1865.

[No. 125.]

AN ACT to incorporate the village of Mason.

Boundaries of village. SECTION 1. *The People of the State of Michigan enact, That all* that tract of country situated in the township of Vevay, in the county of Ingham, and State of Michigan, being township two north, of range one west, and described as follows, viz: the south-west quarter of the south-west quarter of section four, the south half of the south-east quarter of section five, the north-east quarter of section eight, the east half of the south-east quarter of section eight, the north-west quarter of section nine, and the west half of the south-west quarter of section nine, be and the same hereby is constituted a village corporate, by the name of the village of Mason.

First election of officers. SEC. 2. The male inhabitants of said village, having the qualifications of electors, under the constitution of the State, shall meet at the court house in said village, on the fourth Monday of March, A. D. eighteen hundred and sixty-five, and there, by ballot, shall elect, by plurality of votes, from the qualified electors of said village, a president, clerk, assessor, treasurer, and marshal of said village, to hold their office for one year, or until their successors are chosen and qualified, and two trustees, to hold their office for one year, or until their successors are elected and qualified, and two trustees for two years, or until their successors are elected and qualified; and annually, on the fourth Monday of March in each year, a president, clerk, treasurer, assessor and marshal shall be elected as aforesaid, who shall hold their respective offices for one year, and two trustees who shall hold their offices for two years, or until their successors are elected and qualified; but if an election of said officers shall not be made on the day when, pursuant to this act, it ought to be made, the said corporation shall not, for that cause, be dissolved; and it shall be lawful to hold such election at any time thereafter, public notice being given, as prescribed by this act for the holding of the regular election. The president and trustees shall constitute the common council of said village, and

Annual election of officers and terms of.

Common council.

a majority of them shall constitute a quorum for the transaction of business, and a less number may adjourn from time to time; the president shall also be the chief executive officer of the village, he shall preside at the meetings of the common council, and it shall be his duty to see that all the officers of said village faithfully discharge their duties, and in case of his absence or inability to serve, the trustees shall have power to elect from their own number a president *pro tem.*, who shall have all the powers, and perform all the duties, of the president.

Sec. 3. It shall be the duty of the clerk to give at least five days' notice of the time and place of holding an election, either by posing written or printed notices in five of the most public places in said village, or by causing the same to be published in some paper printed in the village; and at all the elections the polls shall be opened at nine o'clock in the forenoon, or as soon thereafter as may be, and closed at four o'clock in the afternoon; and at the close of the polls the ballots shall be counted, and a true statement thereof proclaimed to the electors present, and the clerk shall make a true record thereof, and within five days give notice to the persons elected, who shall enter upon their duties the ensuing Monday.

Sec. 4. The president and assessor shall be inspectors of the election, and the clerk of the village, or his substitute, shall be the clerk of the election, and the inspectors and clerk shall take an oath, to be administered by either of the others, to faithfully and honorably discharge their duties as inspectors or clerk of election, and said inspectors shall have such power to preserve the purity of the election as is now or may be hereafter given to township inspectors of election. At the first election to be held in said village under this act, there shall be chosen by the qualified electors there present, from among their number, by *viva voce* vote, two inspectors and a clerk of such election, who together shall constitute the board of inspectors of such election, each of whom shall, before entering upon the duties of his office, take an oath, before some person authorized to administer oaths, that he will support the con-

[No. 125.]

AN ACT to incorporate the village of Mason.

Boundaries of village. SECTION 1. *The People of the State of Michigan enact, That all* that tract of country situated in the township of Vevay, in the county of Ingham, and State of Michigan, being township two north, of range one west, and described as follows, viz: the south-west quarter of the south-west quarter of section four, the south half of the south-east quarter of section five, the north-east quarter of section eight, the east half of the south-east quarter of section eight, the north-west quarter of section nine, and the west half of the south-west quarter of section nine, be and the same hereby is constituted a village corporate, by the name of the village of Mason.

First election of officers. Sec. 2. The male inhabitants of said village, having the qualifications of electors, under the constitution of the State, shall meet at the court house in said village, on the fourth Monday of March, A. D. eighteen hundred and sixty-five, and there, by ballot, shall elect, by plurality of votes, from the qualified electors of said village, a president, clerk, assessor, treasurer, and marshal of said village, to hold their office for one year, or until their successors are chosen and qualified, and two trustees, to hold their office for one year, or until their successors are elected and qualified, and two trustees for two years, or until their successors are elected and qualified; and annually, on the fourth Monday of March in each year, a president, clerk, treasurer, assessor and marshal shall be elected as aforesaid, who shall hold their respective offices for one year, and two trustees who shall hold their offices for two years, or until their successors are elected and qualified; but if an election of said officers shall not be made on the day when, pursuant to this act, it ought to be made, the said corporation shall not, for that cause, be dissolved; and it shall be lawful to hold such election at any time thereafter, public notice being given, as prescribed by this act for the holding of the regular election. The president and trustees shall constitute the common council of said village, and

Annual election of officers and terms of.

Common council.

a majority of them shall constitute a quorum for the transaction of business, and a less number may adjourn from time to time; the president shall also be the chief executive officer of the village, he shall preside at the meetings of the common council, and it shall be his duty to see that all the officers of said village faithfully discharge their duties, and in case of his absence or inability to serve, the trustees shall have power to elect from their own number a president *pro tem.*, who shall have all the powers, and perform all the duties, of the president.

Duties of president.

President pro tem.

Sec. 3. It shall be the duty of the clerk to give at least five days' notice of the time and place of holding an election, either by posing written or printed notices in five of the most public places in said village, or by causing the same to be published in some paper printed in the village; and at all the elections the polls shall be opened at nine o'clock in the forenoon, or as soon thereafter as may be, and closed at four o'clock in the afternoon; and at the close of the polls the ballots shall be counted, and a true statement thereof proclaimed to the electors present, and the clerk shall make a true record thereof, and within five days give notice to the persons elected, who shall enter upon their duties the ensuing Monday.

Notice of election.

When polls to be opened and closed

Canvass.

Notice to persons elected.

Sec. 4. The president and assessor shall be inspectors of the election, and the clerk of the village, or his substitute, shall be the clerk of the election, and the inspectors and clerk shall take an oath, to be administered by either of the others, to faithfully and honorably discharge their duties as inspectors or clerk of election, and said inspectors shall have such power to preserve the purity of the election as is now or may be hereafter given to township inspectors of election. At the first election to be held in said village under this act, there shall be chosen by the qualified electors there present, from among their number, by *viva voce* vote, two inspectors and a clerk of such election, who together shall constitute the board of inspectors of such election, each of whom shall, before entering upon the duties of his office, take an oath, before some person authorized to administer oaths, that he will support the con-

Inspectors and clerk of election.

Oath of.

Powers of.

Inspectors at first election.

stitution of the United States and the constitution of this State, and that he will faithfully discharge the duties of inspector of such election. Said board shall conduct said election and certify the result thereof.

Officers to
subscribe
the official
oath.

Duties of
clerk.

Treasurer to
give bond.

Powers of
council.

Body corpo-
rate.

Common
seal.

Suit against,
how com-
menced.

Sec. 5. The president and every other officer elected or appointed under the provisions of this act, before he enters upon the duties of his office, shall take and subscribe an oath or affirmation, which may be administered by any trustees, or any other person authorized to administer oaths, to support the constitution of the United States and of this State, and that he will faithfully and impartially discharge the duties of his office according to the best of his ability, a record of which oath shall be made and kept by the clerk. It shall be the duty of the clerk to attend all meetings of the common council, keep a fair and accurate record of their proceedings, and perform such other duties as shall be assigned him by the by-laws and ordinances of the village; and the treasurer of said village shall also, before entering upon the duties of his office, give a bond to said village, in such sum and with such sureties as the president of said village shall require and approve, conditioned for the faithful discharge of the duties of his office, and that he will faithfully and truly account for and pay over, according to law, all moneys that shall come into his hands as such treasurer.

Sec. 6. The common council of said village, in addition to the powers hereby conferred, shall have the same powers as township boards in townships; and the freemen of said village, from time to time, being inhabitants thereof, shall be a body corporate and politic, under and by the name and title of the village of Mason, and may have a common seal, which they may alter at pleasure, may purchase and hold real estate for the use of said village, and at any time sell and convey the same, and may sue and be sued, defend and be defended, in any court; but when any suit shall be commenced against the corporation, the same shall be commenced by summons, an attested copy of which shall be served upon the president of the

village at least six days before the return day thereof: *Pro-Provido.*
vided, That in case such summons cannot, for any reason, be
 served on the president, it may be served on any one of the
 trustees.

Sec. 7. The president and trustees shall have power to or-
 dain and establish by-laws, rules and regulations, and to alter <sup>By-laws,
rules and
regulations.</sup>
 and repeal the same at pleasure, for the following purposes,
 viz: for the appointment of such officers (whose election is not <sup>Appoint-
ment of off-
cers.</sup>
 herein provided for) for said village as they may deem neces-
 sary, and to fix the compensation for their services, and also <sup>Compensa-
tion of.</sup>
 such as they may deem necessary and right for the mainten-
 ance and preservation of the public places, property and build-
 ings of said village; to regulate the police thereof; to preserve <sup>Police.
Preserving
public prop-
erty.</sup>
 the public peace; to prevent riots, disturbances and disorderly ^{Public peace}
 assemblages; to appoint watchmen and policemen, and organ- ^{Watchmen.}
 ize a fire department, and define their duties, and prescribe
 penalties for their delinquencies; to restrain, apprehend and ^{Vagrants.}
 punish vagrants, mendicants, drunkards, and all disorderly
 persons; to punish lewd and lascivious behavior in the streets
 or other public places; to suppress and restrain disorderly and <sup>Gaming
houses.</sup>
 gaming houses, billiard tables, and other devices and instru-
 ments of gaming; and shall have the exclusive power and author-
 ity to license such persons as tavern keepers and common <sup>Tavern
keepers.</sup>
 victualers as they shall think best, (but no license shall be in
 force except during the life of the board granting it;) to pre-
 vent the selling or giving away of spirituous or fermented <sup>Spirituous
liquors.</sup>
 liquors to drunkards, minors or apprentices; to prevent and
 punish inordinate riding or driving in the streets; to abate, pre-
 vent and remove nuisances; to suppress all disorderly houses <sup>Inordinate
driving.
Nuisances.</sup>
 and houses of ill-fame, and to punish the keepers and inmates <sup>Disorderly
houses.</sup>
 thereof; to prevent and compel the removal of all incumbrances,
 encroachments and obstructions upon the streets, walks, lanes, <sup>Incum-
brances of
streets.</sup>
 alleys, parks and public grounds; to compel the owners or oc-
 cupants of lots to clear side-walks in front of and adjacent
 thereto of snow, ice, dirt, mud, boxes, and every incumbrance <sup>Clear side-
walks.</sup>

Powder.	or obstruction thereto; to regulate the storage of powder, lum-
Fire-arms.	ber or other combustible material; to prevent the use of fire-
Markets.	arms, slung-shots and other weapons, and fire-works; to con-
	struct and regulate markets, to regulate the sale of poultry,
	meat, vegetables, fruits, fish, hay, wood, lime, lumber and coal;
Weights and measures.	to regulate the gauging of vessels containing liquor, the seal-
Pounds.	ing of weights and measures; to regulate and maintain pounds,
	and to provide for the restraint of horses, cattle, sheep, swine,
Dogs.	mules and other animals, geese or other poultry; to prevent
	the running at large of dogs, to require them to be muzzled,
	and to authorize their destruction if found at large in violation
Cartmen, etc.	of any ordinance; to regulate and license cartmen, porters,
	hacks, cabs, and to regulate their rates of compensation; to
Hydraulic works.	prevent runners from soliciting travelers; to construct hydraulic
	works to supply the village with water; to light the streets;
Public im-	to borrow money for public improvements, not exceeding one
provements	thousand dollars in any one year; to establish wells and cis-
Wells.	terns, and to prevent the waste of water; to prevent bathing in
Bathing.	public streams; to purchase grounds for and regulate cem-
Cemeteries.	eteries and the burial of the dead, and to provide for the
	return of the bills of mortality, and to order the use for burial
	purposes of any burial ground or cemetery to be discon-
	tinued, whenever they may deem the same necessary for the
Grades of streets.	best interest or health of the citizens; to ascertain, establish
	and settle the boundaries of all streets and alleys, and to es-
	tablish grades therefor; also to order and cause to be drained
	or fill up all pools or swamps in said village, and to assess the
Partition fences.	cost and expense on the premises benefitted; to regulate the
	building of partition and other fences; to establish lines upon
	which buildings may be erected, and beyond which such build-
Buildings.	ings shall not extend; to prevent the erection of buildings in
	an unsafe manner, and to pass all necessary regulations rela-
Fire-engines	tive to buildings deemed unsafe; to purchase and keep in or-
	der fire-engines and other fire apparatus, and to construct build-
	ings to store them, and to cause each building occupied as a
	house, store or shop to be provided with fire-buckets and lad-

ders; to establish fire limits, within which no wooden building shall be built, enlarged or placed; to regulate partition walls, chimneys, flues, and the putting up of stoves and stove-pipes; to regulate the construction of smith shops, planing establishments, bakeries, and other buildings considered extra hazardous; to guard against fires; to regulate the duties, powers and fees of village officers, except the president and trustees, who shall be allowed no pay; to prescribe the setting of posts and shade trees; to provide for the construction of side-walks and repairing the same; to grade the walks, streets and alleys, and to prescribe the manner of planking or repairing them; the cost and expense of repairing side-walks, grading the walks, streets and alleys, the paving or planking, to be paid by assessments on the lot in the front of or adjoining either or all of such improvements which shall be made: *Provided*, That so much money belonging to the highway fund of said village as the common council may direct may be expended for grading: *And provided further*, That not more than one per cent. on the assessed value of any lot shall be collected in any year for such purpose; to construct and keep in repair the public highways, bridges, culverts and sewers; to lay out new streets and alleys, and to extend those already laid out under the restrictions provided in this act; to vacate streets and alleys; to prescribe the levying and collection of the highway and other taxes; to provide for taking a census whenever they shall see fit; to regulate theatres, shows and concerts; to regulate and tax, at their discretion, auctioneers, or auction sales, gift enterprises, hawkers, hucksters, peddlers and pawn-brokers; to regulate the covering of mill races, at the expense of the owners thereof; to rail and curb, where necessary, all walks, at the expense of the owners of the adjoining lots; to levy taxes on all personal and real estate within the limits of the village, except property belonging to the village, town, county or State; excepting, also, places of public worship, belonging to any church or congregation, and all grounds and buildings used exclusively for educational purposes; to take the land of any individual for the purpose of

Precautions
against fire.

 Fees of officers.

 Shade trees.

 Grades.

 Assessments
for.

 Proviso.

 Limitation
of amount.
Public highways, etc.

 Theatres.
Peddlers.
Mill-races.

 Levy of taxes.

May take
lands for
certain pur-
poses. constructing, widening or extending streets, lanes, alleys,
drains or sewers, but not until such individual shall be
paid the value thereof, and all buildings thereon, and all the
damages he will sustain, as provided for in this act; for the
Violation of
by-laws. violation of any by-laws, rules and regulations, such reasonable
penalties may be imposed as the common council may deem
proper; and when any fine or penalty shall not exceed one
hundred dollars, the same may be recovered before any justice
of the peace in the township of Vevay; and any interest the
Inhabitants
may act as
jurors, etc. inhabitants of the village of Mason may have in the fine or
penalty to be recovered, shall not disqualify any inhabitant to
try said cause, or serve as a juror or witness therein; and the
circuit court for the county of Ingham shall also have juris-
diction to try and determine all causes brought for the recov-
ery of any fine or penalty imposed by said by-laws.

Taxes a lien. Sec. 8. All taxes levied upon real estate, and all assessments
made thereon, for opening, widening, extending, paving, grad-
ing, planking or repairing a street or alley, or making or re-
pairing side-walks, and all highway taxes, shall be and remain
a lien upon said estate, from the time of levying the same until
the same is paid.

Annual re-
port of coun-
cil. Sec. 9. The president and trustees shall, at the expiration of
each year, cause to be made out and filed with the clerk a true
statement or report, exhibiting in detail all the items of receipts
and expenditures of the preceding year, and the clerk shall
cause the same to be laid before the electors of said village at
each annual election herein provided for.

By-laws to
be pub-
lished. Sec. 10. No by-law or ordinance of said corporation shall
have any effect until the same shall have been published at
least one week in a newspaper printed in said village, or until
it shall have been posted up for one week in three public places
in said village; and an affidavit of the said publication in the
manner aforesaid, in case the publication is by posting up, to
be made by the clerk of the village, and in case the publication
is in a newspaper, then by the publisher of the newspaper in
which the same was published, entered at large upon the

Proof of.

record of said corporation, shall be *prima facie* evidence of such publication.

Sec. 11. The assessor of said village shall, during the month of April in each year, make an assessment roll, containing a description of all the property, both real and personal, liable to taxation in said village, and the name of the owner or occupant, or agent thereof, if known, and shall set down in such roll the valuation of such property, at its fair cash value, placing the value of personal property on a separate line; and it shall be the duty of the assessor on the first Monday in May, in each and every year, to be present at the usual place of meeting of the common council, for the purpose of reviewing said assessment roll, that any person or persons deeming themselves aggrieved may be heard; and the roll may then and there be altered by him, if it shall be made to appear to his satisfaction that any person has been improperly assessed; and the assessor shall immediately proceed to estimate, apportion and set down, in a column left for that purpose, opposite to the several sums so set down as the value of real and personal estate in the assessment roll, the respective sums, in dollars and cents, to be paid as a tax or assessment thereon, and then cause said assessment roll, or a copy thereof, to be delivered to the treasurer of said village, with a warrant annexed thereto, under the hand of said assessor, directing and requiring him, by a certain day therein named, not less than forty days from the date of said warrant, to collect, from the several persons named in said roll, the several sums mentioned therein set opposite their respective names, as a tax or assessment, and authorize him, in case any of them shall neglect or refuse to pay such sums, to levy the same by distress and sale of his or her goods and chattels, together with the costs and charges of such distress and sale, and said warrant may be renewed from time to time as the trustees may deem best; and when any assessment shall be made for any special improvement, it shall be legal, even if it is not made at the time of

Assessment roll.

Review of.

To be delivered to treasurer.

Warrant.

Renewal of.

making the grand list, notice being given of the review of said assessment as herein provided.

Levy of tax
by distress
and sale.

Notice of.

Surplus to
be paid
owner.

Return of
unpaid
taxes.

Sale of lands
for unpaid
taxes.

Notice
thereof.

Sec. 12. If any person shall refuse or neglect to pay the sum or sums at which he or she shall be taxed or assessed as aforesaid, the treasurer is hereby authorized and required to levy the same, by distress and sale of the goods and chattels of the person who ought to pay the same, first giving public notice thereof, as is required by law to be given by township treasurers; and in case the goods and chattels distressed shall be sold for more than the amount of the tax or assessment, with the charges of distress and sale, the surplus shall be paid to the owner of such goods and chattels on demand; and in case the treasurer shall be unable to collect the taxes assessed on any real estate, he shall make a return thereof, on oath, to the common council, with the amount due and unpaid on each description.

Sec. 13. The tax upon real estate, with all the assessments for the purposes named in the eighth section of this act, shall be put down in the assessment roll by itself in a column, and whenever any such tax or assessment, and all taxes on real estate returned for non-payment of taxes, as provided in the preceding section, and the interest thereon, which shall be computed at the rate of two [twenty] per cent. per annum until paid, shall remain unpaid for two years from the date of the warrant to the treasurer as aforesaid, the treasurer of said village shall cause so much of the land charged with such tax and assessment and interest to be sold at public auction, at some public place in said village, to the highest bidder, as shall be necessary to pay the said taxes and assessments and interest, together with all costs thereon, first giving at least thirteen weeks notice of the time and place of sale, by advertisement posted up in three of the most public places in said village, or by causing the same to be published in a newspaper in said village; an affidavit of such publication, recorded in the manner prescribed in the tenth section of this act, shall be deemed *prima facie* evidence of the fact of such publication.

Sec. 14. On the day mentioned in said notice, the said treasurer shall commence the sale of said lands, and continue the same from day to day until so much thereof shall be sold as will pay the taxes and assessments as aforesaid, with the interest and charges due, assessed and charged thereon as aforesaid; and the said treasurer shall give to the purchaser or purchasers of any such lands a certificate in writing, describing the lands purchased and the sums paid therefor, and the time when the purchaser will be entitled to a deed for the said lands; and unless, within one year from the date of the sale thereof, there shall be paid to the treasurer, for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with the interest thereon, at the rate of twenty per centum per annum from the date of such certificate, the treasurer or his successor in office shall, at the expiration of said one year, execute to the purchaser, his heirs or assigns, a conveyance of the lands sold, which conveyance shall vest in the person or persons to whom it shall be given an absolute estate in fee simple, except it may appear that such lands were not subject to taxation, or that the tax or taxes have been paid, subject to all the claims the State shall have thereon; and the said conveyance shall be *prima facie* evidence that the sale was regular, according to the provisions of this act; and every such conveyance executed by the said treasurer, under his hand and seal, witnessed and acknowledged and recorded in the usual form, may be given in evidence in the same manner, and with the like effect, as a deed regularly executed and acknowledged by the owner, and duly recorded, may be given in evidence.

Sec. 15. The treasurer of said village shall receive the same fees, in cases of sales as aforesaid, as are allowed by law to the county treasurer for like services; and the expenses for the advertising of any land for sale in pursuance of this act shall, by the treasurer, be added to the taxes thereon respectively.

Sec. 16. No money shall be drawn from the treasury except by appropriation of the common council, and orders directing the payment of any and all sums of money shall specify the

Proceedings
on sale.

Certificate
of sale.

Conveyance
to purchaser.

Effect of.

Fees of
treasurer.

Money, how
drawn from
treasury.

object and purpose of the same, and the fund from which it is to be paid, and shall be signed by the clerk, and countersigned by the president.

Members of
council not
to become
security.

Sec. 17. No member of the common council, during his continuance of office, shall become security for the performance of any official act or duty to be done or performed by any person elected or appointed to any office under the provisions of this act; and during the time for which he may be elected a member of said board, he shall not be interested, directly or indirectly, in any contract or purchase, the expense or consideration whereof is to be paid out of the village treasury.

Highway
fund.

Sec. 18. All moneys assessed and raised for highway purposes shall be kept a fund separate and distinct from the general fund, and no money shall be appropriated or paid from said highway fund except for highway purposes.

Term of
officers ap-
pointed.

Bond of.

Suit for
breach of.

Sec. 19. No officer appointed by the president and trustees shall hold his office for more than one year, or until his successor is appointed; and the president and trustees may require of any of them security, by bond, for the performance of the duties of their respective offices, as shall be thought expedient, which bond shall run to the corporation, and his successors in office; and a suit may be brought for any breach of said bond, in the name of the president and trustees of said village, as in other cases, before any justice of the peace, or the circuit court of said county, according to the amount claimed, which courts are hereby authorized to hear, try and determine the same.

Powers of
marshal.

Sec. 20. The marshal shall have the general supervision of the village, and see that the laws are enforced, and by virtue of his office shall be high constable and chief of the police, with the powers belonging to constables of any township, having power to enter into any disorderly or gaming house, or dwelling house, or any other building where he may have good reason to believe a felon, or any person who has committed a breach of the peace is secreted or harbored, or where any felony or breach of the peace is being committed, to arrest such offenders, disorderly persons or felons, and those engaged in

unlawful assemblages, and take them before any justice of the peace of the township of Vevay, who shall hear and determine the matter upon proof, as required by law; to compel the citizens to aid in extinguishing fires; to appoint deputies, with powers similar to his own: *Provided*, That nothing in this act shall be construed as authorizing him to serve processes issued by justices of the peace in civil cases.

Sec. 21. The marshal shall, at all times, be subject to the supervision and control of the common council in the discharge of his official duties, and he may be removed from office, by a majority of their whole number, for any refusal or neglect to comply with their orders or directions, or for any gross neglect in the discharge of other official duties, but the cause of such removal shall in all cases be made a matter of record by them.

Sec. 22. A vacancy in the office of marshal, whether by death, removal from office, resignation or otherwise, shall be filled for the unexpired term by appointment, to be made by the common council, and any vacancy in the number of trustees shall be filled in the same manner.

Sec. 23. The president and trustees shall not receive any compensation for their services; the treasurer shall receive such salary as the president and trustees shall prescribe, not exceeding two per cent. on all sums of money collected and disbursed by him, and an annual salary of twenty-five dollars, which shall be a full compensation for all services rendered by him; the clerk and assessor shall each receive such compensation as the common council shall direct.

Sec. 24. The corporation shall be allowed the use of the common jail of the county of Ingham, for the imprisonment of any person liable to imprisonment under the by-laws or ordinances of said corporation; and all persons so committed to said jail shall be under the charge of the sheriff as in other cases: *Provided*, The county shall in no manner be chargeable with the costs and expenses of such imprisonment in civil cases, but the village shall be liable for the same.

Exemptions
of firemen,
etc.

Sec. 25. Each member of the fire department, or an engine, hook and ladder, bucket or hose company, duly organized by the president and trustees, shall be exempt from the poll tax or serving on jury; and the president and trustees may pass such laws as they may deem proper to prevent or extinguish fires, and to annex penalties for the violation thereof, and to compel the assistance of the citizens to aid in extinguishing any fire.

Com'rs of
streets,
powers, and
duties of.

Sec. 26. The president and trustees shall be the commissioners of streets and highways, and within the limits of the village shall have the same power, and perform the same duties, as now by law belong to commissioners of streets and highways in the

Overseers of
highways.

Highway
tax.

Poll tax.

Forfeiture
for non-pay-
ment of.

List of per-
sons liable
to pay poll
tax.

Removal of
fences, open
streets, etc.

several townships of the State, and shall appoint one or more overseers of highways, to repair and keep in order the highways, streets and alleys, and shall cause a tax to be levied and collected upon the real and personal property of said village, not exceeding one thousand dollars, nor less than fifty dollars in any year, and no other highway taxes shall be levied and collected in said village, except that every male inhabitant, above the age of twenty-one years, and under the age of sixty, residing in said village on the first day of April in each year, except paupers, idiots, lunatics, and those excepted in section twenty-five of this act, shall be liable to pay a poll tax of one dollar, to be collected by the treasurer; and every person so liable to pay a poll tax, who shall neglect or refuse to pay the same within ten days from the time of demand made by the treasurer, shall forfeit, to the use of said corporation, the sum of five dollars, to be recovered in the name of the president and trustees, in an action of debt, before any justice of the peace of the township of Vevay; and the president and trustees shall cause a list to be made and delivered to the treasurer, in the month of April in each year, of all persons liable to pay said poll tax; and the president and trustees shall have the exclusive control of the highway money levied and collected in the village: *Provided*, That their power to order fences to be removed, and to remove such fences themselves, and to open,

widen and extend streets and highways, shall not be restricted between the first day of April and the first day of November in each year, but they may exercise that power at any time during the year: *And provided also*, That nothing herein contained shall be construed to exempt any person or property within said village from any township tax that may be legally levied within and for the township of Vevay, for the repairing, building or rebuilding of any bridge within said township, or for any special expenditure for the laying out, opening, working or improving any highway of said township, or for any damage for which said township may become liable, by reason of any neglect in keeping any bridge or public highway in proper repair.

Sec. 27. Whenever the lands of any person shall be required to be taken for the constructing, widening or extending streets, lanes, alleys, drains or sewers, within the limits of said village, or for the use of said village, for any other lawful purpose, the common council shall give notice thereof to the owner or parties interested, or his, her, or their agent or representatives, by personal service, or by written notice posted up in three of the most public places in said village, at least three weeks next preceding the meeting of said common council, for any of the purposes aforesaid, and the said common council are hereby authorized to treat with such person or persons for such ground or premises; and if such person or persons shall refuse or neglect to treat for the same, or if the parties cannot agree therefor, it shall and may be lawful for said president and trustees to direct any justice of the peace of the township of Vevay to issue a *venire facias*, to command the marshal of said village, or any constable of said county, to summon and return a jury of six disinterested freeholders, to be taken without the limits of said village, to appear before him at any time therein to be stated, to inquire into the necessity of using such grounds or premises, and the just compensation to be made therefor to the owner or owners of, or parties interested in, such grounds or premises; which jury, being first duly sworn by said justice,

Township
highway
tax.

Proceedings
when pri-
vate prop-
erty is to be
taken for
public use.

Notice of.

May treat
with owner
for.

Summons
of jury.

To be sworn

faithfully and impartially to inquire into the necessity of using such grounds or premises, and the just compensation to be made therefor, and having viewed the premises, if necessary, shall inquire of such necessity, and assess such damages and compensation as they shall judge fit to be awarded to the owner or owners of, or parties interested in, such ground or premises, for their respective losses, according to the several interests or estates therein; and the said justice shall, upon the return of said assessment or verdict, enter judgment therefor, confirming the same; and such sum or sums so assessed, together with all costs, shall be paid or legally tendered, before such street, lane or alley, side-walk, drain or sewer, or highway shall be made, opened or established, or altered, to the claimant or claimants thereof. It shall thereupon be lawful for the common council to cause the same grounds or premises to be occupied and used for the purposes aforesaid: *Provided*, That the common council, or any party claiming damages as aforesaid, may have the right to remove such proceedings by appeal to the circuit court, or any other court of competent jurisdiction, upon giving notice of his, her, or their intention so to do, to said justice, in writing, within ten days, or in case of the absence of said party from said village, (at the time of the rendition of the judgment,) then within thirty days after the verdict of said jury, and the judgment of said justice as aforesaid; upon the filing of a transcript of the proceeding aforesaid, duly certified by the said justice, within forty days after the verdict and judgment as aforesaid, in the circuit court, or any other court of record having appellate jurisdiction, the same proceedings shall be had as is prescribed by law in other cases of appeal: *Provided*, That if final judgment for damages shall not exceed the damages assessed before the justice at least fifteen dollars, then the party appealing shall pay all costs occasioned by such appeal.

Sec. 28. All moneys received for licenses granted to tavern keepers, or common victualers, under the provisions of this act, shall be paid to the county treasurer, as provided in section

License money to be paid county treasurer.

twenty-six, of chapter thirty-eight, of the revised statutes of eighteen hundred and forty-six.

Sec. 29. This act shall be favorably construed and received Public act. in all courts, as a public act and copies thereof, printed under the authority of the Legislature, shall be received as evidence, without further proof.

Sec. 30. No person shall be eligible to any office in this cor- Who eligible to office. poration unless he shall have resided in the said village six months next preceding his election, nor unless he shall be entitled to vote therein.

Sec. 31. This act shall take immediate effect.

Approved March 9, 1865.

[No. 126.]

AN ACT to provide temporary additional compensation to the officers of the State prison, for the year commencing December first, eighteen hundred and sixty-four, and the year commencing December first, eighteen hundred and sixty-five.

SECTION 1. *The People of the State of Michigan enact, That* for the year commencing December first, A. D. eighteen hun- Additional compensation. dred and sixty-four, and for the year commencing December first, A. D. eighteen hundred and sixty-five, the clerk and chaplain of the prison shall each be paid the sum of fifty dollars each year in addition to the salary now allowed by law, and that the deputy keeper of the prison shall be entitled to be paid the sum of one hundred dollars each year, in addition to the salary now allowed by law, and that the assistant keepers shall each be paid the sum of one hundred and fifty dollars each year, in addition to the salary now allowed by law.

Approved March 9, 1865.

[No. 127.]

AN ACT to authorize the legal voters of the village of Memphis, in the counties of Macomb and St. Clair, to organize under the general law for the incorporation of villages, and to establish the boundaries thereof.

Organization authorized. SECTION 1. *The People of the State of Michigan enact, That* it shall be lawful for the legal voters of the village of Memphis, in the counties of Macomb and St. Clair, to meet at the south school house in said village, on the first Tuesday of April next, and then and there, by a majority of votes, proceed to organize the said village corporation, under the provisions of the general law for the incorporation of villages, as set forth in chapter seventy-two of the compiled laws, and the acts amendatory thereof.

Judges and clerk of election. SEC. 2. At the election to be holden under this act there shall be chosen *viu voce*, by the electors present, two judges and a clerk of said election, who shall each take an oath or affirmation faithfully to discharge the duties required of him by this act.

Boundaries. SEC. 3. The corporate authorities of said village, when organized as aforesaid, are hereby authorized to establish the **Limitation.** boundaries of said village: *Provided, however,* There shall not be included within the boundaries of said village more than two full sections of land.

First officers, terms of. SEC. 4. The officers first elected under this act shall hold their offices until the first Tuesday of March following their election, and until their successors are duly elected and qualified; and all subsequent elections shall be holden on the **Annual election.** first Tuesday of March in each year, at such place in said village as shall be designated by the board of trustees.

SEC. 5. This act shall take immediate effect.

Approved March 9, 1865.

[No. 128.]

AN ACT to amend an act entitled "an act to incorporate the city of Marshall," approved February fourteenth, eighteen hundred and fifty-nine.

SECTION 1. *The People of the State of Michigan enact, That* section two of said act, to incorporate the city of Marshall, be ^{Section amended.} and the same is hereby amended so that it shall read as follows:

Sec. 2. The freemen of said city, from time to time, being in- ^{Body corpo-} habitants thereof, shall be and continue a body corporate and ^{rate.} politic, to be known and distinguished by the name and title of ^{Name.} "the mayor, recorder and aldermen of the city of Marshall," and shall be and are hereby made capable of suing and being ^{Powers.} sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended, in all courts of law and equity, and in all other places whatever; and may have a common seal, which they may alter and change ^{Common seal.} at pleasure, and by the same name shall be and are hereby ^{May hold} made capable of purchasing and holding, conveying and dis- ^{real and per-} posing of any real and personal estate for said city. The said ^{Wards.} city shall be divided into four wards, by running one line along the center of State street from east to west, and a second line at right angles thereto, which shall commence at a point twenty chains east of the quarter post, on the west line of section number twenty-four, and running thence south to the south boundary of said city, commonly called a half-quarter line; and ^{First:} all that portion of said city lying north of said center of State street and east of said half-quarter line shall be the first ward; all that portion of said city lying west of said half-quarter line ^{Second,} and north of said center of State street shall be the second ward; all that portion of said city lying south of the center of ^{Third.} State street and west of said half-quarter line shall be the third ward; and all that portion lying south of the center of ^{Fourth.} State street and east of said half-quarter line shall be the fourth ward.

Sec. 2. That section three of said act shall be and the same ^{Section amended.} is hereby amended so as to read as follows:

Elective officers.

Sec. 3. The following officers shall be elected from among the electors of said city, to wit: one mayor, one recorder, who shall be ex-officio school inspector and city clerk, one treasurer, one supervisor, two school inspectors, and four justices of the peace, who shall be elected in the following manner to wit: the mayor, recorder, treasurer and supervisor shall be elected annually, and shall hold their offices one year, and until their successors shall be elected and qualified; there shall also be elected annually one school inspector for the term of two years, and until their successors shall be elected and qualified; there shall also be elected annually one justice of the peace, whose term of office shall commence on the fourth day of July next after his election, and who shall hold his office for four years.

Terms of office.

Section amended.

Sec. 3. That section six of said act shall be and the same is hereby amended so as to read as follows:

Aldermen.

Sec. 6. There shall be elected annually, in each of the several wards, one alderman for the term of two years, and one constable for the term of one year.

Section amended.

Sec. 4. That section seven of said act shall be and the same is hereby amended so as to read as follows:

First election.

Sec. 7. *Provided*, That at the first election, two aldermen shall be elected in each ward, one for the term of one year, and one for the term of two years, and the term for which each person is intended shall be designated on the ballot. The annual elections under this act shall be held on the first Monday

Annual elections.

Notice.

of April in each year, at such places in each of the several wards as the common council shall designate, notice of which shall be given by the recorder at least eight days before the election, by posting the same in three public places in each ward, and by publication in all the weekly newspapers published in said city; the aldermen of each ward shall be the inspectors of such elections, and they shall also be inspectors

Inspectors.

Chairman of

of the State, district and county elections. The said inspectors shall, before opening the polls at any election, appoint one of their own number chairman of such board of inspectors; they shall also appoint some person to act as clerk of said

Clerk.

election; and in case of the absence of one or more of such inspectors, the electors present may choose *viva voce*, from their number, one or more to fill such vacancy or vacancies, to whom and to such clerk shall be administered the constitutional oath, by either of said inspectors or by any justice of the peace of said city. The manner of conducting all elections, and canvassing the votes, and the qualifications of electors in the several wards, shall be the same as in townships, the word "ward" instead of "township" being used in the oath to be administered to an elector in case his vote shall be challenged, and also in the making of all certificates or statements of and concerning such electors: *Provided*, That at such charter elections, the said ward inspectors shall make one certificate of the number of votes given for each person for the several offices to be filled in said city, and also one certificate of the officers elected in and for their respective wards, which certificates shall be, within twenty-four hours, filed in the office of the recorder of said city; and upon the Thursday next following the day of such election, the common council shall meet at the office of the recorder of said city, and thereupon determine who, by the greatest number of votes given in the several wards, are duly elected to fill the respective city offices; and it shall be the duty of the said recorder, immediately after such determination, to cause notice to be given to each of the persons elected of their election, and each of said officers so elected and notified shall, within ten days thereafter, take and subscribe the constitutional oath of office, before any person authorized to administer oaths, and shall deliver the same to the said recorder, who shall file the same in his office: *Provided*, That in case of the election of one or more justices of the peace, the said recorder shall make a certificate thereof, and cause it to be delivered to the clerk of the said county of Calhoun, in the same manner as is required of township clerks; and in case two or more shall receive for the same city office an equal number and a plurality of the votes given at such

Proceedings
when in-
spectors are
absent.

How elec-
tions con-
ducted.

Certificate of
election.

Canvass.

Notice to
persons
elected.

Oath.

Proceedings
in case of a
tie.

election, the common council shall immediately proceed to determine, by lot, between the persons so receiving the highest number of votes, which shall be considered elected to such city office; and in case two or more persons shall receive for the same ward office an equal number and a plurality of votes given at such election, the said board of inspectors shall, immediately after such election, proceed to determine, by lot, between the persons receiving the highest number of votes, which shall be considered elected to such office; and in case any of the officers so elected and notified shall neglect, for the term of ten days, to qualify as aforesaid, or to give such security as the provisions of this act or the by-laws or ordinances of the common council of said city shall require, the office shall thereby become vacant.

Neglect to
qualify to
vacate.

Section
amended.

Sec. 5. That section eight of said act shall be and the same is hereby amended so as to read as follows:

Appoint-
ment of cer-
tain officers.

Sec. 8. The mayor shall have power to nominate an attorney for the city, a marshal, a chief engineer for the fire department, and such other officers whose election is not herein specifically provided for, as they may deem necessary to carry into effect the powers granted by this act, and to remove the same at pleasure: *Provided, however,* That before any of the above named officers shall enter upon the discharge of his duties he shall be confirmed by the common council. The common council shall also have power to remove the treasurer for any violation of the provisions of this act, or any by-laws or ordinances, or for refusing to perform the lawful requirements of said common council; and in case of the death, resignation or removal from office, or neglect to qualify or perform the duties of his office, or removal from the city, or from the ward from which he was elected to any office of the corporation, the mayor shall, as soon as may be, appoint an officer to fill such vacancy for the unexpired portion of his term of office, and all officers so appointed shall be notified and qualified as herein directed:

To be con-
firmed by
council.

Removal of
treasurer.

Vacancy.

Special elec-
tion.

Provided, That the common council may at any time order a special election to fill vacancies in any office which is elective

under this act, in which case the common council shall designate the time and place for holding such special election, and the same notice shall be given as at an annual election, stating the office or offices to be filled, and any person so elected shall serve for the remainder of the term of such office.

Sec. 6. That section twenty-five of said act be and the same Section amended. is hereby amended so as to read as follows:

Sec. 25. The mayor of said city shall be ex-officio member of the board of supervisors for the county of Calhoun, and shall as one of the representatives for said city, be entitled to all the rights, privileges and powers of the members of said board of supervisors. Mayor ex-officio member of board of supervisors.

Sec. 7. That section twenty-six of said act shall be and the same Section amended. is hereby amended so as to read as follows:

Sec. 26. The supervisor is hereby authorized and required to perform the same duties that the supervisors of townships, under the general laws of this State, are required to perform in relation to the assessing of property and levying of taxes for State, county, city and school purposes, and he shall also issue his warrant to the treasurer of said city, for the collection of such taxes, in the same manner as the supervisor of townships issue warrants to the treasurers of townships for the collection thereof, and for such services he shall receive the same fees as supervisors are entitled to; he shall also represent said city in the board of supervisors of the said county of Calhoun, and shall be entitled to all the rights, privileges and powers of the members of said board of supervisors: *Provided*, That the time appointed for the review of his assessment roll, provided for by section twenty, of chapter seventeen, of the compiled laws, shall be on Friday and Saturday, next preceding the second Monday of June in each year. Powers and duties of supervisors.

Sec. 8. That section thirty-six of said act shall be and the same Section amended. is hereby amended so as to read as follows:

Sec. 36. It shall be the duty of the supervisor, under the direction of the common council, whenever the city assessment roll shall have been completed, in each and every year, to as- Assessment of taxes.

sess the taxes that have been levied by the common council for the year, adding thereto, and to all other taxes required by law to be assessed by him, not more than two per cent. for collecting expenses, upon the taxable property in the city, according and in proportion to the individual and particular estimate and valuation, as specified in the assessment roll of the city for the year; he shall thereupon deliver to the city treasurer a copy of said assessment roll, with the taxes for the year annexed to each valuation, and carried out in a column thereof, and if there be other taxes assessed than for the expenses of the city, they shall be carried out in separate columns, and carry out the total amount of taxes in the last column of said roll, and shall annex thereto a warrant, under the hands of the supervisor and mayor, and the seal of said city, commanding the treasurer to collect, from the several persons named in said roll, the several sums mentioned in the last column thereof opposite their respective names, on or before the day specified in such warrant; and it shall authorize the treasurer, in case any person shall neglect or refuse to pay his tax, to levy the same by distress and sale of the goods and chattels of such person.

The treasurer, upon receiving the tax roll, shall proceed to collect the taxes therein mentioned, and shall call upon each person taxed, if a resident of the city, at least once, and demand payment of the taxes charged to him upon said roll; and in case of a refusal or neglect to pay such taxes, the treasurer shall levy the same, by distress and sale of the goods and chattels of every such person, wherever found within the city, and may take any property that can be taken by township treasurers in the collection of taxes; he shall give the same notice, and sell in the same manner, as township treasurers are required to do in the collection of taxes, and any surplus shall be returned to the person in whose possession the said property was when the distress was made.

The said treasurer shall, within ten days after the time mentioned in his warrant for the collection of said taxes, return

Collecting
expenses.

Form of
assessment
roll.

Warrant.

Treasurer
to collect.

Return of
roll.

said roll into the office of the recorder; and in case any of the taxes mentioned in said roll shall remain unpaid, and he shall be unable to collect the same, he shall make out a statement of the taxes remaining unpaid and due, with a full and perfect description of such premises, from said roll, and attach thereto an affidavit that the sums mentioned in said statement remain unpaid, and that he has not, upon diligent inquiry, been able to discover any goods or chattels belonging to the person charged with or liable to pay such tax.

Sec. 9. That section forty-five of said act shall be and the same is hereby amended so as to read as follows:

Sec. 45. The recorder, marshal, city attorney, and all other officers of said city, shall receive reasonable compensation for their services, actually and necessarily rendered, to be fixed by the common council, unless the same is fixed by the provisions of this act: *Provided*, That the annual compensation of the recorder shall not exceed three hundred dollars, exclusive of his fees as city clerk; that the compensation of marshal shall not exceed three hundred dollars annually, exclusive of his fees for the service of process; that the annual compensation of the city attorney shall not exceed one hundred dollars; that the mayor and aldermen shall not receive any compensation for their services, as mayor or aldermen.

Sec. 10. That a new section, to stand as section fifty-seven of said act, be added thereto, and shall read as follows:

Sec. 57. The alderman in each ward of said city whose term of office shall soonest expire shall constitute the board of registration for said city, which shall be the registration district; they shall provide suitable registers, one for each ward, so made and arranged as to contain an alphabetical list of the respective names, christian or baptismal, and sur-name in full, of all persons declared by the constitution of the State to be electors and entitled to vote, residing in the several wards of said city, and the date of registration, also his residence, by the name of the street, or locality of the same. It shall be the duty of said board to deliver the registers of the several wards to the in-

spectors of election for the several wards, on or before the opening of the polls, at every general, special, or charter election, to be used by them during the same, and to be returned by said inspectors to the said board immediately thereafter:

When inspectors may register.

Provided, That said inspectors of election shall be entitled to register the names of all legal electors of said city, which they are now entitled to register, under the provisions of section fourteen, of act one hundred and seventy-seven, approved February fourteenth, eighteen hundred and fifty-nine: *And provided further*, That for the first registration of electors held under this act, the board of registration shall consist of the recorder and supervisors of said city: *And provided further*,

Board at first registration.

Powers and duties of present officers.

That the present mayor, recorder and aldermen shall discharge the duties of their respective offices until their successors, under this act, shall be elected and qualified, and it shall be their duty, for the first election held under this act, to appoint the inspectors of election for the several wards in this city, and to perform all other duties necessary to carry into effect the provisions of this act.

Sec. 11. This act shall take immediate effect.

.Approved March 9, 1865.

[No. 129.]

AN ACT to enlarge the boundaries of the village of Dowagiac, in the county of Cass, and fractional school district number seven, of the town of Silver Creek, and to increase the powers of the trustees of said district.

SECTION 1. *The People of the State of Michigan enact*, That all that tract of country situated in the county of Cass, and State of Michigan, and included within the following boundaries, viz: beginning two hundred and forty rods north from the south-east corner of the township of Silver Creek, and running thence two hundred and forty rods east, to the center of the north-east quarter of section thirty-one, in town five south, of range fifteen west; thence south four hundred and eighty

Boundaries enlarged.

rods to the center of the south-east quarter of section six, in town six north, of range fifteen west; thence west four hundred and eighty rods to the center of the south-west quarter of section one, in town six south, of range sixteen west; thence north four hundred and eighty rods to the center of the north-west quarter of section thirty-six, in town five south, of range sixteen west; thence east two hundred and forty rods, to the place of beginning, be and the same is hereby constituted a village corporate, under the name of the village of Dowagiac.

Sec. 2. The village of Dowagiac shall remain in its present corporate capacity, the same as if this act had not been passed, and the powers and jurisdiction of its corporate board shall extend to and be exercised over all the territory within the boundaries above named, in like manner as if the same had been included within its original boundaries.

Sec. 3. The lands within the limits of the village of Dowagiac, and such contiguous territory as is or may hereafter be thereunto annexed for school purposes, shall constitute one school district, and be known and designated as "fractional school district number seven, in the township of Silver Creek," and such district shall have all the powers and privileges that are conferred upon school districts by general law, and in addition thereto, such powers and privileges as may have been conferred upon it by special enactment.

Sec. 4. The board of trustees of said school district shall have power to hire any and all teachers for the several schools of said district and fix the amount of their compensation; and all teachers employed by said board shall be deemed as legally qualified without examination by the township board of school inspectors, and the said board of trustees shall have power to make all needful rules and regulations relative to its proceedings, and to punish by fine, not exceeding five dollars for each offense, any member of the board who shall, without sufficient cause, absent himself from any meeting thereof, said penalty to be collected as the board may direct.

Sec. 5. This act shall take immediate effect.

Approved March 9, 1865.

ren, are hereby authorized and empowered to vote annually, for two years from the passage of this act, at the annual township meetings for the election of township officers, for a special tax, not exceeding one-half of one per cent. on the taxable property of each township, to be expended in the improvement of the swamp road leading from the village of Decatur to Little Prairie Ronde, in the township of Volinia.

How voted. Sec. 2. Said tax shall be voted, assessed and collected in like manner as other taxes for township purposes.

Superintendent. Sec. 3. The township board of each township respectively shall have power to appoint a superintendent, under whose supervision the money thus raised shall be expended, in accordance with the directions of said board; and each superintendent, before entering upon the duties of his office, shall execute bonds in double the amount of taxes levied in his respective township, and payable to the treasurer of said township, conditioned for the faithful performance of the trusts imposed on him.

Bond of.

Sec. 4. This act shall take immediate effect.

Approved March 10, 1865.

[No. 133.]

AN ACT to authorize the trustees of the First Methodist Episcopal church, of Three Rivers, in St. Joseph county, to mortgage their church property for the purpose of completing their church edifice.

Mortgage authorized. SECTION 1. *The People of the State of Michigan enact, That* the trustees of the First Methodist Episcopal church, of Three Rivers, in the county of St. Joseph, are hereby authorized to mortgage their church property for a sum sufficient to complete their church edifice.

Sec. 2. This act shall take immediate effect.

Approved March 10, 1865.

[No. 134.]

AN ACT to attach certain unorganized towns to the township of Helena, Antrim county.

SECTION 1. *The People of the State of Michigan enact, That* the unorganized townships, twenty-eight north, of range eight Townships attached. west, twenty-nine north, of range eight west, and thirty north, of range eight west, be and the same are hereby attached to the township of Helena, for all municipal and taxable purposes, until set off into other townships.

Sec. 2. All acts and parts of acts contravening the provisions Acts repealed. of this act are hereby repealed.

Sec. 3. This act shall take immediate effect.

Approved March 10, 1865.

[No. 135.]

AN ACT authorizing the appointment of a general swamp land road commissioner.

SECTION 1. *The People of the State of Michigan enact, That* the Governor is hereby authorized, whenever in his opinion it shall be advisable, to appoint a general swamp land road commissioner, whose duty it shall be from time to time, when- Appoint-ment of com'r authorized. Duties of. ever directed by the Governor, to examine any road in the Lower Peninsula of this State for which an appropriation has been, or may hereafter be made, whether constructed or in course of construction, or which may hereafter be constructed, and to inquire into the facts and circumstances concerning the letting of the contract for building said road, and concerning the construction thereof, and the performance of the contract therefor, and to report all facts and circumstances ascertained by him to the Governor in writing, with his opinion thereon.

Sec. 2. Before any payment shall be made by the State upon Governor may require report from. any contract for building said road, the Governor may, in his discretion, require an examination of such road, and the facts concerning the same as aforesaid, by such general commis-

sioner, and his report thereon; and in case the Governor shall require such report, no payment shall be made until such general commissioner shall report that such contract, or such part thereof as payment is claimed for, has been completed in good faith.

Oath and
bond of com-
missioner.

Sec. 3. Said commissioner, before entering upon the duties of his office, shall take and subscribe the constitutional oath of office, and execute an official bond, with sufficient sureties, to be approved by the Governor, conditioned for the faithful performance of the duties of said office, which oath and bond shall be filed in the office of the Secretary of State.

Compensa-
tion of.

Sec. 4. Said commissioner shall be paid for his services and expenses five dollars per day for each day actually employed in such service, to be allowed by the Governor on the sworn statement of such commissioner, if the Governor shall be satisfied therewith; and upon such statement and allowance being filed with the Auditor General, he shall issue his warrant in favor of such commissioner upon the State Treasurer, payable out of the swamp land funds.

Acts re-
pealed.

Sec. 5. All acts and parts of acts inconsistent with this act, shall be inoperative to affect the provisions of this act.

Sec. 6. This act shall take immediate effect.

Approved March 10, 1865.

[No. 136.]

AN ACT imposing a specific tax upon corporations and chartered companies engaged in the business of mining, smelting and refining ores in this State.

SECTION 1. *The People of the State of Michigan enact, That all*
Specific tax. corporations and chartered companies engaged in the business of mining, smelting, or refining ores in this State, shall pay into the State treasury specific taxes as follows, that is to say:
Amount of. every such corporation and chartered company engaged in copper mining shall pay a tax of seventy-five cents for each ton of copper or mineral obtained and smelted in this State, and one

dollar for each ton of copper or mineral obtained and exported from the State before being smelted; every such corporation and chartered company engaged in iron mining shall pay a tax of one and one-half cents for each ton of ore or mineral obtained and exported from this State before being smelted or refined; pig, bloom, or other iron manufactured in this State shall be free from specific tax except upon the capital stock; every such corporation and chartered company engaged in coal mining shall pay a tax of one-half cent for each ton of coal obtained by such corporation or chartered company in such mining business. Said taxes shall be paid annually, in the month of July, at the office of the State Treasurer, or such place in the city of Detroit as he may designate. This act shall in no way interfere with the provisions of an act heretofore passed, remitting the specific taxes of the Upper Peninsula to the counties in which they arise, for certain purposes, for a term of five years. The taxes herein provided for shall be in lieu of all State taxes to be paid by such corporations and chartered companies, except the specific taxes upon the capital stock of said corporations and chartered companies: *Provided*, That nothing herein contained shall exempt from State taxation any property of such corporations or chartered companies not invested in mining or manufacturing business, as contemplated by this act.

Sec. 2. All acts and parts of acts contravening the provisions of this act are hereby repealed.

Sec. 3. This act shall take immediate effect.

Approved March 10, 1865.

[No. 137.]

AN ACT to authorize the First Baptist church and society of Brooklyn, Jackson county, to convey certain real estate.

SECTION 1. *The People of the State of Michigan enact*, That the trustees of the First Baptist church and society, of Brooklyn, Jackson county, be and they are hereby authorized to convey,

by deed, the title of the Brooklyn cemetery grounds to the Brooklyn cemetery association.

Approved March 10, 1865.

[No. 138.]

AN ACT to attach the county of Manitou to the county of Leelanaw, for certain judicial purposes, and to repeal act number two hundred and sixty-two, of the session laws of eighteen hundred and sixty one, entitled "an act to attach the county of Manitou to the county of Mackinac, for certain judicial purposes," approved March sixteenth, eighteen hundred and sixty-one.

Attached for judicial purposes. SECTION 1. *The People of the State of Michigan enact, That the* county of Manitou shall be and the same is hereby attached to the county of Leelanaw, for the purposes of the jurisdiction of the circuit court of the ninth judicial circuit, sitting in said county over the same, until other provision is made by law for holding a court in said county of Manitou, and said court shall have jurisdiction thereof.

Service of process, etc. therein. SEC. 2. All process, writs, declarations and notices issued from said circuit court, to be served upon persons residing in or who may be found in the county of Manitou, shall be served by the sheriff of said county of Manitou when, by the practice of the court, the same must be served by a sheriff, who shall make the return thereof to said court, and be subject to all the orders and directions thereof in the premises; and all persons committed for trial for offenses committed in said county of Manitou, cognizable by a circuit court, shall be taken before said circuit court sitting in the county of Leelanaw, or recognized before a justice of the peace of said county of Manitou, with sufficient surety, to appear at the ensuing term of said circuit court in the county of Leelanaw.

Trial of offenses. SEC. 3. The sheriff of Manitou county shall charge mileage from the county seat of said county only except for actual and necessary travel to the county of Leelanaw.

Mileage.

Sec. 4. That act number two hundred and sixty-two, of session laws of eighteen hundred and sixty-one, entitled "an act to attach the county of Manitou to the county of Mackinac for certain judicial purposes," approved March sixteenth, eighteen hundred and sixty-one, and all other acts in any way contravening the provisions of this act, be and the same are hereby repealed. Acts repealed.

Approved March 10, 1865.

[No. 139.]

AN ACT to amend section eight of an act entitled "an act to provide for the incorporation of villages," approved February seventeenth, eighteen hundred and fifty-seven, as amended by act number one hundred and twenty-one, approved March seventeenth, eighteen hundred and sixty-three.

SECTION 1. *The People of the State of Michigan enact, That* section eight of act number one hundred and twenty-one, of session laws of eighteen hundred and sixty-three, is hereby amended so as to read as follows: Section amended.

Sec. 8. If such board, after hearing the parties, shall be satisfied that all the requirements of this act, in respect to such application, have been complied with, and that such territory contained the population required by this act, it shall make an order declaring that such territory shall be an incorporated village, by the name specified in such application, or by such other name as to such board shall seem proper; and such board shall, in such order, appoint three inspectors of elections, to hold the first election required by this act, and such board shall also appoint the time and place of holding such first election; but a neglect to hold such first election on the day so appointed shall not be deemed to work a dissolution of said corporation, but in such case the inspectors so appointed may fix any other time for holding such first election, public notice of the time and place thereof, pursuant to section nine of this act, being first given: *Provided, That the time so fixed shall be within six months of the time first appointed: Provided, also,* Board to declare territory incorporated. Inspectors of election. Proceedings when election is not held on day appointed. Provide.

Change of
boundaries.

That said board of supervisors shall have power, at any regular or special meeting, upon the petition of the president and trustees of any incorporated village, to alter the boundaries thereof either by increasing or diminishing the same.

Sec. 2. This act shall take immediate effect.

Approved March 10, 1865.

[No. 140.]

AN ACT to amend an act entitled "an act to authorize the township of Holland, and other townships in the counties of Ottawa and Allegan, to make loans and levy taxes for the improvement of the Harbor at the mouth of North Black Lake river, in Ottawa county," approved February second, eighteen hundred and fifty-eight.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section four of an act entitled "an act to authorize the township of Holland, and other townships in the counties of Ottawa and Allegan, to make loans and levy taxes for the improvement of the harbor at the mouth of North Black Lake river, in Ottawa county," shall be amended to stand as follows:

Board of im-
provement.

Sec. 4. The said township board shall appoint seven freeholders of the township, who shall hold their office for such length of time as said board shall determine, which said township board shall fill all vacancies, as necessity may require. It shall be the duty of said freeholders, when appointed, to build, widen, excavate, improve and keep in repair the harbor at the mouth of North Black river aforesaid, in such manner as they shall deem best, and to such end shall use and disburse all moneys raised for such purpose, and the same shall be drawn out of the fund aforesaid only upon the order of the clerk thereof, and countersigned by the supervisor of the said township, who shall be and is hereby constituted a member *ex officio* and chairman of said board of harbor commissioners: *Provided*,

Duties of.

How funds
drawn.

Letting of
work to be
advertised.

That the letting of the work of improvement herein contemplated shall first be advertised for four successive weeks in a

newspaper published in the city of Detroit, and in the village of Holland at least six weeks, before the letting of said work; and said letting shall be given to the lowest bidder therefor, who shall give sufficient security for the faithful performance of said work.

Contracts
given to
lowest bid-
der.
Security.

Sec. 2. This act shall take immediate effect.

Approved March 10, 1865.

[No. 141.]

AN ACT to extend the time for building a railroad from Paw Paw, in the county of Van Buren, to some point on the Michigan Central railroad.

SECTION 1. *The People of the State of Michigan enact, That the time within which the corporation known as the Paw Paw railroad company was required to complete their road, be and the same is hereby extended for the term of five years from the first day of January, one thousand eight hundred and sixty-five.*

Time ex-
tended.

Sec. 2. This act shall take immediate effect.

Approved March 10, 1865.

[No. 142.]

AN ACT to change the name of Amandas Vandendrissche, of Conner's Creek, Wayne county, to Amandas Vandriss, and of Lewis Vandendrissche, of Corunna, Shiawassee County, to Lewis Vandriss.

SECTION 1. *The People of the State of Michigan enact, That the names of Amandas Vandendrissche and Lewis Vandendrissche, be and the same are hereby changed to Amandas Vandriss and Lewis Vandriss.*

Names
changed.

Sec. 2. This act shall take immediate effect.

Approved March 10, 1865.

[No. 143.]

AN ACT to provide for the drainage and reclamation of swamp lands by means of a road to be known as the Tuscola and Saginaw Bay State road.

Construction of road authorized. SECTION 1. *The People of the State of Michigan enact, That* there shall be laid out and established, by one or more commissioners, to be appointed by the Governor, a road commencing at the north end of the upper bridge in the village of Tuscola, in the county of Tuscola, and running thence to Vassar, thence northerly on the township line, as nearly as practicable, between ranges seven and eight east, to Saginaw Bay; said road to be laid out and constructed under the provisions of act number one hundred and seventeen, of the laws of eighteen hundred and fifty-nine, and the acts amendatory thereto, and to be known as the Tuscola and Saginaw Bay State road.

Constructed under provisions of former acts.

Name. Sec. 2. To secure the construction of said road, there is hereby appropriated an average amount of twelve hundred and eighty acres of State swamp land to the mile, to be expended on that part of said road lying between the Saginaw Bay and the Little Quankasee river, and an average amount of six hundred and forty acres to the mile, to be expended on that part of said road lying between the Little Quankasee river and the northern terminus; said appropriation to be expended under the provisions of the aforesaid act and amendments: *Provided,*

Appropriation.

Proviso. Said land shall be selected from the county or counties through which said road passes.

Approved March 10, 1865.

[No. 144.]

AN ACT for the relief of fractional school district number nine, of the townships of Scio and Webster, in the county of Washtenaw.

Assessment of tax authorized. SECTION 1. *The People of the State of Michigan enact, That* the supervisor of the township of Webster, in the county of Washtenaw, shall have full power and authority, and it is

hereby made his duty, in the year of our Lord one thousand eight hundred and sixty-five, to assess upon so much of the taxable property in said township of Webster as is included in fractional school district number nine, of the townships of Scio and Webster, the sum of one hundred and seven dollars, for the use of the said fractional school district number nine, which said sum shall be levied and collected in the same manner, and at the same time, and with the like effect in all respects, that the State, county and township taxes are collected for said year, and shall be in lieu of the sum of one hundred dollars, which ought to have been levied and collected in said township of Webster, for the use of said fractional school district, in the year one thousand eight hundred and sixty-four.

Sec. 2. The said sum, when collected, shall be paid over by the treasurer of the township of Webster aforesaid, to the treasurer of the township of Scio, for the use of fractional school district number nine, in the same manner that other school taxes are paid over to such officer for the year eighteen hundred and sixty-five.

Sec. 3. This act shall take immediate effect.

Approved March 10, 1865.

[No. 145.]

AN ACT to provide for the incorporation of masonic lodges.

SECTION 1. *The People of the State of Michigan enact, That* any chapter of Royal Arch Masons, and any chartered lodge of the order of Free and Accepted Masons, may be incorporated in pursuance of the provisions of this act.

Sec. 2. Any ten or more persons, residents of this State, being members of any chapter of Royal Arch Masons, or of any chartered lodge of the order of Free and Accepted Masons, desirous to become incorporated, may make and execute articles of association under their hands and seals, which said articles of association shall be acknowledged before some officer of this

State, having authority to take acknowledgments of deeds, and shall set forth,

Contents of articles.

First. The names of persons associating in the first instance, and their place of residence;

Second. The name and location of the lodge of which they are members;

Third. The corporate name by which such association shall be known in the law;

Fourth. The object and purpose of such association, which shall be to promote the general welfare of the masonic fraternity, and the period for which it is incorporated, not exceeding thirty years.

Articles to be filed with county clerk

Sec. 3. A copy of said articles of association, together with a copy of the charter of the lodge or chapter of which the persons executing said articles are members, shall be filed with the county clerk of the county in which such corporation shall be formed, and shall be recorded by such clerk in a book to be

Body corporate.

kept in his office for that purpose; and thereupon the persons who shall have signed said articles of association, their associates and successors, shall be a body politic and corporate, by

Powers of.

the name expressed in such articles of association; and by that name they and their successors shall have succession, and shall be persons in the law, capable of suing and being sued, and they and their successors may have a common seal, and the

Common seal.

Copy of articles may be used in evidence.

same may change and alter at pleasure; and a certified copy of the record of such articles of association, under the seal of the county where the said record is kept, shall be received as *prima facie* evidence in all courts in this State of the existence and due incorporation of such corporation.

Corporation may erect buildings, etc.

Capital stock.

Sec. 4. Every corporation formed in pursuance of this act may erect and own such suitable edifice, building or hall, as to such corporation shall seem proper, with convenient rooms for the meetings of the masonic fraternity, and for that purpose may create a capital stock of not more than seventy-five thousand dollars, to be divided into shares of not more than fifty dollars each, and may take, receive, purchase and hold, in its

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corporate capacity, real and personal estate, and the same or any part thereof convey, demise, use and dispose of at pleasure: *Provided*, That the value of the real and personal estate owned by any such corporation at one time shall not exceed the amount of the capital stock herein authorized; and any such corporation may take, purchase, hold and own such suitable lot or parcel of ground as may be convenient for the purpose of a cemetery, and may make all lawful rules and regulations for the disposition of lots, and the burial of the dead therein, as to such corporation may seem proper.

Sec. 5. The stockholders, each of whom shall be entitled to one vote for each share of stock held by him, shall elect from their number a board of trustees, of not less than six nor more than nine members, a majority of whom shall form a quorum, and the trustees shall appoint from their number a president, secretary and treasurer, who shall perform the duties of their offices in accordance with such rules and regulations as may be prescribed by the board of trustees.

Sec. 6. The management and direction of the interests, affairs and property of such corporation shall be vested in said board of trustees, and said board shall make all needful rules, ordinances and by-laws, regulating the transaction of the business and management of the property, and all the affairs, concerns and interests of such corporation, and providing for the time and manner of electing the officers and trustees of the corporation, and the length of the term of office of the trustees, a part of whom, after the first election, shall be chosen annually: *Provided*, That such rules, ordinances and by-laws shall not be repugnant to the constitution and laws of the grand lodge of the order of Free Masons of the State of Michigan, and the constitution and laws of the United States and this State.

Sec. 7. Every such corporation shall have full power and authority, by its by-laws or otherwise, from time to time, to designate and elect from its members such other officers of the corporation, under such name and style as shall be in accordance with its constitution.

Corpora-
tions subject
to the pro-
visions of a
former act

Amended
1867-234

Sec. 8. All corporations formed under this act shall be subject to the provisions of chapter seventy-three of the compiled laws of this State, so far as the same may be applicable to corporations formed under this act; and the Legislature may alter or amend this act at any time.

Sec. 9. This act shall take immediate effect.

Approved March 10, 1865.

[No. 146.]

AN ACT to provide for the drainage and reclamation of swamp lands, by means of a State road and ditches, from the village of Ithaca, in Gratiot county, to the quarter post on the north line of section three, in town eleven north, of range three west.

SECTION 1. *The People of the State of Michigan enact, That* there shall be laid out and established, by a commissioner to be appointed by the Governor, upon the most eligible route between Ithaca, in Gratiot county, to the quarter post on the north line of section three, in town eleven north, of range three west, to be known as the Ithaca and Alma State road.

Sec. 2. Said road to be laid out and constructed under the provisions of act number one hundred and seventeen, of the session laws of eighteen hundred and fifty-nine, approved February twelfth, eighteen hundred and fifty-nine, and the acts amendatory thereto.

Sec. 3. To secure the construction of said road, there is appropriated an average amount of six hundred and forty acres of State swamp land to each mile of said road, to be selected from any lands in said county not otherwise appropriated.

Approved March 10, 1865.

[No. 147.]

AN ACT to amend section seventeen, of chapter sixty-seven, being section nineteen hundred and sixty-one of the compiled laws, relative to rates of fare on short railroads.

SECTION 1. *The People of the State of Michigan enact, That* section seventeen, of chapter sixty-seven, being section nineteen hundred and sixty-one of the compiled laws, be amended so as to read as follows: Section amended.

(1961.) Sec. 17. Every such corporation shall possess the general powers, and be subject to the liabilities and restrictions following, that is to say: Powers and liabilities.

First. To cause such examinations and surveys for the proposed railroads to be made as may be necessary to the selection of the most advantageous route for the road, and for such purposes, by their officers, agents and servants, to enter upon lands or waters of any person or company, but subject to liability for all damages which they shall do thereto; To make surveys.

Second. To receive, hold and take such voluntary grants and donations of real estate and other property as shall be made to it, to aid in the construction, maintenance and accommodation of such road, but the real estate thus received by voluntary grant shall be held and used for the purpose of such grant only; To receive donations.

Third. To purchase, and, by voluntary grants and donations, receive and take, and by its officers, engineers, surveyors and agents, enter upon and take possession of, hold and use, all such lands and real estate and other property as may be necessary for the construction and maintenance of its railroad and stations, depots and other accommodations, but not until the compensation to be made therefor, as agreed upon by the parties, or ascertained as hereinafter prescribed, to be paid to the owners thereof, or deposited as hereinafter directed, unless the consent of such owner be given therefor; To purchase and take property necessary for constructing road.
Owners to be compensated.

Fourth. To lay out its road not exceeding six rods wide, and to construct the same, and for the purpose of cutting embankments and procure stone and gravel, may take as much more Lay out and construct road.

lands within the limits of its charter, in the manner hereinafter provided, as may be necessary for the proper construction and security of the road;

To cross
water-
courses,
highways,
etc.

Fifth. To construct their road across any stream of water, water-course, private road, highway, plank road, railroad or canal, which the route of its road shall intersect, but the corporation shall restore the stream, water-course, private road, highway, plank road, railroad or canal, to its former state, as near as may be;

To cross,
intersect,
join and
unite with
other roads.

Sixth. To cross, intersect, join and unite its railroad with any other railroad now or hereafter constructed, whether the same

To make
running ar-
rangements
with.

be so constructed under this act or under any charter now or hereafter granted, at any point on its route, and upon the grounds of such other railroad company, with the necessary turn-outs, sidings and switches, and other conveniences, in furtherance of the object of its connections, and to make all such running and business arrangements as said companies may agree upon; and every company whose road shall be in-

Proceedings
when com-
panies can-
not agree.

tersected by any new railroad, shall unite with the owners of such new railroad in forming such intersections and connec-
tions, and grant the facilities aforesaid; and if the two cor-
porations cannot agree upon the amount of compensation to
be made for such crossings and connections, or the points or
manner thereof, the same shall be ascertained and determined
by commissioners, to be appointed by the court, as is provided
hereinafter for the taking of lands and other property, and to
purchase or take lands, franchises or other property, as herein-
after provided, which shall be necessary for the construction
of its road, and may change the line of its road whenever a
majority of its directors shall so determine; but no such change
shall vary the original route of such road to exceed five miles
laterally, without the consent of the stockholders;

May take
lands for
road.

May change
line of road.

To transport
persons and
property.

Seventh. To take, transport, carry and convey persons and property on their said road, by the force and power of steam, of animals, or any mechanical powers, or by any combination of them, and receive tolls and compensation therefor;

Eighth. To erect and maintain all necessary and convenient buildings, stations, depots and fixtures, and machinery, for the accommodation and use of their passengers, freight and business, and obtain and hold the lands necessary therefor; To erect stations, etc.

Ninth. To regulate the time and manner in which passengers and property shall be transported, and the tolls and compensation to be paid therefor; but such compensation for transporting any passenger, and his or her ordinary baggage, shall not exceed the following prices, viz: on roads over twenty-five miles in length, three cents per mile; on roads not over twenty-five miles in length, four cents per mile; on roads not over twenty-five miles in length, for any distance under six miles, twenty-five cents, unless by special act of the Legislature, and shall be subject to alteration as hereinafter provided. To regulate transportation and compensation therefor.

Approved March 11, 1865.

[No. 148.]

AN ACT to authorize the Marquette and Ontonagon railroad company to transfer their interest in a portion of their land grant to the L'Anse and Ontonagon railroad company, and to facilitate the construction of said road.

SECTION 1. *The People of the State of Michigan enact, That* the Marquette and Ontonagon railroad company are hereby authorized to transfer to the L'Anse and Ontonagon railroad company, and the latter company are authorized to acquire and hold the interest of the former company, in such part or portion of the Ontonagon end or division of the grant of lands which was conferred upon said first named company by virtue of the act number one hundred and sixteen, of the laws of eighteen hundred and sixty-three, approved March seventeenth, eighteen hundred and sixty-three, as the said companies may mutually agree, shall be transferred from one to the other of said companies; and when such transfer of said interest has been so made, the said L'Anse and Ontonagon railroad com- Transfer authorized.
Rights and privileges.]

pany shall have and enjoy all the right, powers, and privileges appertaining thereto, under the several acts of Congress, and of the Legislature of this State, granting said lands to aid in the construction of the Marquette and Ontonagon railroad; and the said L'Anse and Ontonagon railroad company shall be subject to all the restrictions and requirements legally imposed by the acceptance of said interest in said grant.

Restrictions
and require-
ments.

Commence-
ment of road

Rates of fare

Sec. 2. The L'Anse and Ontonagon railroad company are authorized to commence the first section of their road at L'Anse or Keweenaw bay, and the said company, and also the Marquette and Ontonagon railroad company, shall have the right to charge, collect and receive fares for passengers upon said roads, the former at the rate of eight cents per mile, and the latter at the rate of six cents per mile, for the term of ten years after any section of twenty miles of either of said roads shall be put in running order.

Exemption
from taxa-
tion.

Sec. 3. The Marquette and Ontonagon railroad company, and the L'Anse and Ontonagon railroad company, shall also, for the term of ten years from and after the passage of this act, have and enjoy the same exemption from taxation which was given to the railroad companies in the Upper Peninsula, by the act of eighteen hundred and fifty-seven, disposing of certain land grants, approved February fourteenth, eighteen hundred and fifty-seven, as amended by the act for the relief of certain railroads in the Upper Peninsula, approved February seventeenth, eighteen hundred and fifty-seven.

Sec. 4. This act shall take immediate effect.

Approved March 11, 1865.

[No. 149.]

AN ACT authorizing the purchase of certain lands for the State Reform School, and appropriating money therefor.

SECTION 1. *The People of the State of Michigan enact, That* the board of control of the State Reform School is hereby authorized and empowered to purchase for the State Reform

Purchase of
land author-
ized.

School the lands included within the following boundaries, to wit: commencing at the south-east corner of the land now owned by said State Reform School, and running thence due east one hundred and eighty rods, thence north ninety-seven rods, thence west one hundred and sixty rods, thence south forty rods, thence west twenty rods, thence south fifty-seven rods, to the place of beginning.

Sec. 2. There is hereby appropriated out of the general fund, ^{Appropriation.} for the purchase of said lands, a sufficient sum to pay for the same at a rate of not exceeding fifty dollars per acre, which sum shall be passed to the credit of the State Reform School, and shall be drawn on the warrants of the Auditor General, ^{as how drawn.} the board of control may direct, on the presentation of a certificate from the board of control and board of State auditors that said lands have been purchased at a price not exceeding fifty dollars per acre, and that the papers of conveyance have been properly executed, and the title to said lands has been perfected.

Sec. 3. This act shall take immediate effect.

Approved March 14, 1865.

[No. 150.]

AN ACT to authorize the North American Mineral Land company to acquire and hold certain lands in this State.

SECTION 1. *The People of the State of Michigan enact, That* the North American Mineral Land company, a corporation ^{Company authorized to acquire and convey certain lands.} created by and under the laws of the State of New York, may acquire and hold, and hereby are authorized to acquire, hold and convey, certain lands in Isle Royale, in this State, now held by William E. Dodge, Thomas F. Mason and George B. Satterlee, in trust for certain individuals, citizens of various States.

Sec. 2. This act shall take immediate effect.

Approved March 14, 1865.

New section Sec. 2. A new section is hereby added to the act hereby amended, to stand as section nine, which shall read as follows:

Report to State Treasurer. Sec. 9. It shall be the duty of any and all companies doing business within this State, under the provisions of this act, as a condition precedent to the renewal of an annual certificate by the Secretary of State, to make and file in the office of the State Treasurer annually, in the month of February in each year, on oath or affirmation, a statement of the number of policies issued, and the amount of premiums received or secured thereon,

Specific tax. during the year then terminated, and shall pay into the hands of the State Treasurer a specific tax of three per cent. on the gross amount of all premiums received in money or securities during the said year, which said specific tax may be received in any court at the suit of this State, and shall be and hereby is appropriated to the same uses and purposes as the specific

Receipt for taxes on railroad corporations are or hereafter may be; and it shall be the duty of the State Treasurer to give his receipt for all moneys paid into the State treasury under the provisions of this act.

Approved March 14, 1865.

[No. 154.]

AN ACT to amend section one, of act number two hundred and seventeen, of the session laws of eighteen hundred and sixty-one, entitled "an act to provide for the drainage and reclamation of swamp lands, by means of State roads and ditches."

Section amended. SECTION 1. *The People of the State of Michigan enact, That* section one, of act number two hundred and seventeen, of the laws of eighteen hundred and sixty-one, entitled "an act to provide for the drainage and reclamation of swamp lands, by means of State roads and ditches," be amended so as to read as follows:

State roads to be established. Sec. 1. That there shall be laid out and established, by commissioners to be appointed by the Governor, upon the most di-

rect and eligible route between the places hereinafter designated, the following State roads:

First. A road beginning at the north-east corner of section thirty-six, in town five south, of range sixteen west, running thence north on the section line five miles, to the county line of Van Buren county, to be known as the Dowagiac swamp State road; a road from Little Traverse Bay, in Emmet county, to Traverse city, in Grand Traverse county, to be known as the Emmet and Grand Traverse State road;

Second. A road from Manistee, in Manistee county, to Leland, in the county of Lelanaw, *via* Frankfort, to be known as the Manistee and Leland State road; a road from Blissfield village, in Lenawee county, to Ottawa lake, in Monroe county, to be called the Cottonwood swamp State road, being eight miles; also a road from the village of Berlin, in Ottawa county, to the south line of Jamestown, *via* Haire's Landing and Georgetown Centre, to be known as the Berrien and Georgetown State road;

Third. A road from Muskegon village, in Muskegon county, east to Cedar Springs, in Kent county, to be known as the Muskegon and Cedar Springs State road;

Fourth. A road from Englishville, in the county of Kent, to Croton, in the county of Newaygo, *via* Sextonville, to be known as the Englishville and Croton State road; also a road from Big Rapids, in Mecosta county, southerly to intersect with a road running from Greenville to Grand Rapids, to be known as the Big Rapids and Grand Rapids State road;

Fifth. A road from Capac, in the county of St. Clair, thence east until it intersects the Brockway and Port Huron plank road, to be known as the Capac and Clyde State road;

Sixth. A road from Port Sanilac, in Sanilac county, thence westerly by the way of Watrousville and the southern terminus of the Bay City plank road, to Bridgeport, in Saginaw county, to be known as the Port Sanilac and Tuscola State road;

Saginaw and
Gratiot.

Seventh. A road from Saginaw, in Saginaw county, by the way of St. Louis, in Gratiot county, to Alma, in Gratiot county, to be known as the Saginaw and Gratiot State road;

Newaygo
and Dayton.

Eighth. A road from the village of Newaygo, by the way of Fremont and Dayton, to the north line of Newaygo county, in township sixteen north, of range fourteen west, to be known as the Newaygo and Dayton State road; also, a road from Hastings, in the county of Barry, to Lowell, in Kent county, and four thousand acres of State Swamp land to aid in building the same, to be in full for appropriation on said road; also a road from the village of Waterloo, in the county of Jackson, by way of Whitewood island and the Portage saw mill, to the mouth of Portage river, in the township of Blackman, in said county, to be known as the Portage river State road, half section per mile;

Almont and
Cass River.

Ninth. A road from Almont, in Lapeer county, to the forks of Cass river, in Tuscola county, via Marlette, to be known as the Almont and Cass river State road;

Sand Beach
and Bay
City.

Tenth. A road from Sand Beach, in Huron county, to Bay City, in Bay county, via Sebawaing, to be known as the Sand Beach and Bay City State road;

Greenville
and Big
Rapids.

Eleventh. A road from Big Rapids, in the county of Mecosta, to Greenville, to be known as the Greenville and Big Rapids State road;

Greenbush
and Gratiot.

Twelfth. A road from Greenbush, in the county of Clinton, north to the north line of township number ten north, in the county of Gratiot, to be known as the Greenbush and Gratiot State road;

Port Austin
and Sanilac.

Thirteenth. A road from Port Austin, in Huron county, running southerly until it intersects the Port Huron, Bay City and Lansing road, to be known as the Port Austin and Sanilac State road;

Midland and
Isabella.

Fourteenth. A road from Midland city, in Midland county, to Mount Pleasant, in Isabella county, to be known as the Midland and Isabella State road;

Fifteenth. A road from Saginaw City, in Saginaw county, to ^{Saginaw City and} Owosso, in Shiawassee county, to be known as the Saginaw City ^{Owosso.} and Owosso State road;

Sixteenth. A road from Ithaca, in Gratiot county, to St. Charles, ^{Ithaca and} ^{St. Charles.} in Saginaw county, to be known as the Ithaca and St. Charles State road;

Seventeenth. A road from Parshall's mills, in Saginaw county, ^{Saginaw and} ^{Genesee.} to Montrose, in Genesee county, via Maple Grove, to be known as the Saginaw and Genesee State road;

Eighteenth. A road from Ionia to Vermontville, in the county ^{Ionia and} ^{Vermont-} of Eaton, to be called the Ionia and Vermontville State road: ^{village.} *Provided,* That no appropriation shall be made or expended in any portion of the first eight miles south of Ionia;

Nineteenth. A road from New Haven, in Shiawassee county, ^{New Haven} ^{and Fair-} through Rush, to Fairfield, in said county, to be known as the ^{field.} New Haven and Fairfield State road;

Twentieth. A road commencing on section thirty-five, of ^{Branch of} ^{Eaton and} township four north, of range three west, thence westerly to ^{Barry.} intersect the State road running from the city of Lansing to the village of Hastings, in the county of Barry, to be known as the branch State road of Eaton and Barry counties;

Twenty-first. A road from Duncan, in Cheboygan county, to ^{Duncan, Al-} ^{pena and} Sauble river, in Iosco county, via Alpena, to be known as the ^{Sauble river} Duncan, Alpena and Sauble river State road;

Twenty-second. A road from at or near Mackinaw City, in Em- ^{Mackinaw} ^{and Little} met county, to Little Traverse Bay, in Emmet county, via ^{Traverse.} Cross Traverse village, to be known as the Mackinaw and Little Traverse Bay State road;

Twenty-third. A road from Forrestville, in Sanilac county, to ^{Sanilac and} ^{Bay.} East Saginaw, via Ellington, in Tuscola county, and village of Portsmouth, in Bay county, to be known as the Sanilac and Bay State road.

Approved March 14, 1865.

[No. 155.]

AN ACT to change the name of the township of Milton, in Antrim county, Michigan.

Name
changed.

SECTION 1. *The People of the State of Michigan enact, That* the name of the township of Milton, in Antrim county, Michigan, be and the same is hereby changed to Helena.

Approved March 14, 1865.

[No. 156.]

AN ACT to legalize the tax rolls of the townships of Green, Richmond, Leonard, Mecosta and Deerfield, in the county of Mecosta.

Tax roll le-
galized.

SECTION 1. *The People of the State of Michigan enact, That* the tax rolls of the several townships of Green, Richmond, Leonard, Mecosta and Deerfield, in the county of Mecosta, be and the same are hereby severally declared to be as valid and legal as if the same had been made out and delivered to the several township treasurers at the time prescribed by law.

Sec. 2. This act shall take immediate effect.

Approved March 14, 1865.

[No. 157.]

AN ACT to change the name of the village now known as Bronson Harbor, in Berrien county, Michigan, to Benton Harbor.

Name
changed.

SECTION 1. *The People of the State of Michigan enact, That* the name of the village now known as Bronson Harbor, in Berrien county, be and the same is hereby changed to Benton Harbor.

Sec. 2. This act shall take immediate effect.

Approved March 14, 1865.

[No. 158.]

AN ACT to amend sections six and seven, of act one hundred and fifty-seven, of session laws of eighteen hundred and sixty-three, "being an act to provide for improving a certain State road from the village of Gaines to the village of Flushing, in the county of Genesee."

SECTION 1. *The People of the State of Michigan enact*, That sections six and seven, of act one hundred and fifty-seven, of session laws of eighteen hundred and sixty-three, be amended ^{Sections amended.} so as to read as follows:

Sec. 6. The said commissioner shall receive a compensation ^{Compensation of commissioner.} of two dollars per day, while actually engaged in the performance of the duties imposed on him by this act, which amount shall be paid out of the fund created by this act, after his account for the same, verified by his oath, shall have been audited by the board of supervisors of the county of Genesee.

Sec. 7. In case the aforesaid commissioner shall neglect or ^{Vacancy, how filled.} refuse to serve as such, or if any vacancy shall occur by death, removal or otherwise, the treasurer, sheriff and clerk of said county of Genesee shall have power to appoint a commissioner to fill such vacancy; and in case any person shall have entered ^{Removal.} upon the duties of his office, and shall have refused or neglected to appropriate the moneys that shall have come into his hands, as in this act specified, for the period of six months after the time he is entitled to receive the same, he shall, upon the application, in writing, made by five freeholders, resident citizens of any of the townships through which said road runs, be removed from said office, by the said treasurer, sheriff and clerk, and they shall, upon a like petition, fill any vacancy that may occur in said office of commissioner; and such officers, so receiving such application, shall proceed at once, or without unnecessary delay, to appoint a commissioner to fill such vacancy, which appointment shall be in writing, and signed by at least two of such officers, and shall be filed and recorded in the office of the clerk of said county. The commissioner so appointed ^{Bonds.} shall be required to give bonds in like manner, and shall have

the same powers and compensation, as the commissioner appointed by this act, and he shall also be authorized to collect from the treasurer of any township through which said road runs all moneys that have not been paid to said commissioner
Resignation. as provided in this act: *And provided,* Any person shall have accepted the office of commissioner under this act, he can resign the same by filing his resignation with the clerk of said county.

Sec. 2. This act shall take immediate effect.

Approved March 14, 1865.

[No. 159.]

AN ACT to amend section one of an act entitled "an act to authorize the Governor to issue patents in certain cases," the same being section two thousand five hundred and fifteen of the compiled laws.

Section amended. SECTION 1. *The People of the State of Michigan enact,* That section one of an act entitled "an act to authorize the Governor to issue patents in certain cases," approved April twenty-eighth, eighteen hundred and forty-six, be amended so as to read as follows:

Governor may issue patents to assignee. SECTION 1. *The People of the State of Michigan enact,* That the Governor be and he is hereby authorized to issue to any assignee of a certificate of sale, issued by the Commissioner of the State Land Office, a patent for the lands therein described:
Proviso. *Provided,* Said lands have been fully paid for to the State:
Assignment, how made. *And provided also,* That the assignment, if made since the twenty-eighth day of April, eighteen hundred and forty-six, shall be duly executed and acknowledged in the manner deeds are required to be by the laws of this State; but if such
Informalities waived. assignment that said assignee claims under was made prior to the twenty-eighth day of April, eighteen hundred and forty-six, any informality therein may be waived, and such patent issued to such assignee upon a satisfactory showing that he is equitably entitled to the same.

Approved March 14, 1865.

[No. 160.]

AN ACT to authorize the township board of the township of Coldwater, Branch county, to issue bonds for paying bounties to volunteers.

SECTION 1. *The People of the State of Michigan enact*, That the action of the people of the township of Coldwater, in raising money to pay bounties to volunteers, under the call of the President of the United States, of December nineteenth, eighteen hundred and sixty-four, for three hundred thousand men, shall be and is hereby declared to be legal and valid; and the bonds to be issued under the provisions of this act shall be a legal claim against said township. Action legalized. Issue of bonds authorized.

Sec. 2. It shall be the duty of the township board of said township to issue the bonds of said township for the amount so expended, payable in such sums, and at such times, as said board may determine, not more than five years from the passage of this act, and drawing interest at a rate of not more than seven per cent. per annum; but the whole amount of funds authorized by this act shall not exceed four thousand dollars. Board to issue bonds. Interest. Limitation.

Sec. 3. It shall be the duty of the supervisor of said township to levy the same upon the taxable property of said township, together with annual interest thereon, and the same shall be spread upon the tax roll of said township, and collected and paid over in the same manner as other township expenses are collected and paid. Levy and collection of tax to pay.

Sec. 4. This act shall take immediate effect.

Approved March 14, 1865.

[No. 161.]

AN ACT to legalize the action of the several townships of Oakland county, and the wards of the city of Pontiac, in raising money for bounty purposes.

SECTION 1. *The People of the State of Michigan enact*, That all bonds, certificates, or other evidences of indebtedness, heretofore issued by the corporate authorities of any of the town- Bonds, etc., legalized.

ships of the county of Oakland, or the wards of the city of Pontiac, for bounty purposes, or which may hereafter be issued for the same purpose, in pursuance of a vote of the qualified electors of any such township or ward had previous to the fourth day of February, eighteen hundred and sixty-five, shall be deemed to have been legally issued, and shall be a valid and lawful claim against the township or ward having issued or to issue the same, and shall be paid in the same manner as the ordinary township or ward expenses are paid.

Sec. 2. This act shall take immediate effect.

Approved March 14, 1865.

[No. 162.]

AN ACT to authorize Bay county to issue bonds to aid in the construction of the Midland and Bay City plank road.

SECTION 1. *The People of the State of Michigan enact,* That the board of supervisors of Bay county may borrow a sum of money not exceeding twenty thousand dollars, on the faith and credit of said county, and may issue its bonds therefor, payable at a time not exceeding twenty years from the date thereof, at a rate of interest not exceeding ten per cent. per annum, which money shall be expended in building, or in aiding in the construction, of a plank road from Bay City, in said county, to Midland City, in the county of Midland: *Provided,* That the question of making said loan shall be submitted to a vote of the electors of said county, on the first Monday of April next, or at such other time as the board of supervisors shall direct, under such regulations as the board of supervisors shall prescribe, and no loan shall be made under the provisions of this act unless a majority of the votes given shall be in favor thereof.

All votes given under the provisions of this act shall be by ballot, and those voting for such loan shall have written or printed on their ballots the words, "For the loan, Yes;" and those voting against such loan shall have written or printed on their ballots the words, "For the loan, No;" and such election shall

Loan and issue of bonds authorized.

Interest.

Loan to be submitted to electors

Manner of voting.

be conducted in the ordinary manner of conducting township or city elections, and a canvass and return of the votes so cast made in the same manner as the canvass and return of votes cast for county officers, and the result determined and certified by the board of county canvassers as in other cases.

Sec. 2. This act shall take immediate effect.

Approved March 14, 1865.

[No. 163.]

AN ACT to legalize the action of certain townships and cities in the counties of Shiawassee, Genesee and Tuscola, in raising bounties for volunteers.

SECTION 1. *The People of the State of Michigan enact, That it shall be lawful for the qualified electors of any township or city in Shiawassee, Genesee and Tuscola counties, to determine by ballot, at any regular township meeting, or at any special meeting regularly called for that purpose, the question of raising money by a tax upon the taxable property of such township or city, and the amount thereof, for the purpose of paying bounties to persons who have furnished substitutes, or representative recruits, or to drafted men serving in person in the military service of the United States, or of refunding any sum or sums of money which may have been raised, advanced, contributed or loaned by any individual, or association of individuals, for the purpose of paying bounties to volunteers, or procuring enlistments into the said military or naval service of the United States, to fill any quota assigned to such township or city under any call for troops heretofore made: Provided, No money shall be raised as aforesaid to pay bounties for any substitute, representative recruit or drafted man, who has entered the military or naval service before the fourth day of February, eighteen hundred and sixty-five, or for any enlistments since February fourth, eighteen hundred and sixty-five, unless the same had been previously authorized: And provided further, That no more than three hundred and fifty dollars shall be raised in*

Electors to determine the question of raising money.

Proviso.

Limitation

any township for each substitute, representative recruit, drafted man, or person enlisted and mustered as aforesaid, and credited on the quota of such township.

Claims to be audited and allowed.

Sec. 2. It shall be the duty of the township board of any township, or common council of any city, which shall have voted in favor of allowing and paying the claims mentioned in the preceding section of this act, to audit and allow all claims which may be presented for that purpose, for money actually paid as aforesaid, not exceeding in the aggregate the said sum of three hundred and fifty dollars to each person, who, not holding a commission, shall be enlisted, mustered and credited as aforesaid, which allowance shall be made in the same manner as other ordinary claims are allowed, upon satisfactory proof that the claim is just and proper; and such claims when audited and allowed shall be a lawful charge upon such township or city, and be paid in the same manner, and on like orders, as the ordinary expenses of such township or city are paid; and the amount of such claim allowed as aforesaid shall be assessed, levied, collected and paid, in the same manner as ordinary expenses or liabilities of such township or city are assessed, levied, collected and paid.

How paid

How levied and collected.

Sec. 3. This act shall take immediate effect.

Approved March 14, 1865.

[No. 164.]

AN ACT to provide for the laying out and establishing of a State road, to be known as the extension of the Capac and Clyde State road, and appropriating certain swamp lands for the construction of the same.

Construction of road authorized.

SECTION 1. *The People of the State of Michigan enact, That* there shall be laid out and established, by a commissioner appointed by the Governor, a State road beginning at the village of Capac, in the township of Muzzy, St. Clair county, running thence westerly on the most feasible route, to intersect with the Almont and Cass river State road, in the township of Imlay.

Sec. 2. Said road shall be laid out and constructed under the provisions of act one hundred and seventeen, of the session laws of eighteen hundred and fifty-nine, and the acts amendatory thereto. Constructed under the provisions of former acts.

Sec. 3. To secure the construction of said road, there is hereby appropriated eight sections of State swamp land, and four years from the first day of November next is allowed to complete said road. Appropriation.

Approved March 14, 1865.

[No. 165.]

AN ACT making it obligatory upon banks and bankers in this State to stamp counterfeit, altered and worthless bank bills.

SECTION 1. *The People of the State of Michigan enact, That* any bank or banker in this State to whom may be tendered in payment, or upon deposit, or for any other purpose, a counterfeit or worthless bank bill, or a bank bill which has been altered from its original denomination or name, or a paper not a bank bill but made in the similitude thereof, or purporting to be the bill of a bank which never existed, shall write or stamp upon all such counterfeit bills the word "counterfeit;" upon all such altered bills the word "altered;" and upon all such other bills and papers the word "worthless," adding thereto the name of the bank or banker by which the writing or stamp is made. Banks required to stamp counterfeit bills, etc.

Sec. 2. Any bank or banker willfully or knowingly neglecting or refusing to write upon or stamp any bill or bills, knowing them to be counterfeit, altered or worthless, as presented in the preceding section, shall forfeit and pay the purported value of the bill or bills allowed to pass without being so written upon or stamped, to be recovered before any court having jurisdiction, and paid into the county treasury for the benefit of the library fund; and if any bank or banker, or bank officer, Penalty for neglect to stamp How recovered.

Banker to
pay value of
bill if not
counterfeit,
etc.

shall so write upon or stamp a bank bill which is not a counterfeit, or altered or worthless bill, such bank or banker, or bank officer, shall only be liable to pay the holder thereof the value of such bill or bills, which shall be paid on presentation and surrender of such bill or bills to the person stamping or marking the same.

Approved March 14, 1865.

[No. 166.]

AN ACT to provide for the drainage and reclamation of swamp lands, by means of a road to be known as the Port Hope and Wild Fowl Bay State road.

Road estab-
lished.

SECTION 1. *The People of the State of Michigan enact, That* there shall be laid out and established, by a commissioner to be appointed by the Governor, a road on the most direct and eligible route from Port Hope to Wild Fowl Bay, in Huron county.

Appropriation.

Sec. 2. To secure the construction of said road, there is hereby appropriated an average amount of six hundred and forty acres of State swamp land to the mile, which shall be selected from the swamp lands in the county of Huron.

Constructed
under the
provisions
of former
acts.

Sec. 3. Said road shall be laid out and established under the provisions of act number one hundred and seventeen, of the session laws of eighteen hundred and fifty-nine, and the acts amendatory thereto.

Approved March 14, 1865.

[No. 167.]

AN ACT to amend an act entitled "an act to authorize the city of Saginaw to raise money to aid in the construction of the Amboy, Lansing and Traverse Bay railroad."

Section
amended.

SECTION 1. *The People of the State of Michigan enact, That* section one of an act entitled "an act to authorize the city of Saginaw to raise money to aid in the construction of the Amboy, Lansing and Traverse Bay railroad," approved March

seventh, eighteen hundred and sixty-three, be and the same is hereby amended so as to read as follows:

SECTION. 1. *The People of the State of Michigan enact, That* the mayor, recorder and aldermen of the city of Saginaw, shall ^{Loan authorized.} be and they are hereby authorized and empowered to borrow money, on the faith and credit of said city, and to issue bonds ^{Issue of bonds.} therefor to the amount, not exceeding fifty thousand dollars, which shall be expended in aiding in the construction of the ^{How expended.} Amboy, Lansing and Traverse Bay railroad, or of the Jackson, Lansing and Saginaw railroad: *Provided, That a majority of* ^{Vote on loan} the property-holding tax payers of said city, being electors therein, shall vote for such loan, in the manner hereinafter specified, and not otherwise.

Sec. 2. This act shall take immediate effect.

Approved March 14, 1865.

[No. 168.]

AN ACT to amend "an act to provide for the appointment of trustees in certain cases," approved February seventeenth, eighteen hundred and fifty-seven.

SECTION 1. *The People of the State of Michigan enact, That* sections one and two, of act number one hundred and seventy- ^{Sections amended.} three, of the session laws of eighteen hundred and fifty-seven, the same being number two thousand and forty-four in volume one of the compiled laws, be and hereby is [are] amended so that said sections shall read as follows:

Sec. 1. That whenever, by the constitution, rules, or usages ^{Election of trustees.} of any particular church or religious denomination, trustees are required of and for such religious denomination, such trustees shall be nominated and elected according to the constitution, rules and usages of such religious denomination. It shall be ^{Certificate of election.} the duty of the officer presiding over such election to give to such trustees a certificate of their election, under his hand and seal, specifying the name by which such trustees and their successors shall forever thereafter be called and known, which

To be re-
corded.

Fees there-
for.
Body corpo-
rate.

Acts re-
pealed.

certificate shall be acknowledged, or proved, by a subscribing witness thereto, before some officer authorized to take acknowledgments of deeds, and the said certificate, with the certificate of acknowledgment or proof thereof, shall be recorded by the clerk of the county within which the church or place of worship of such congregation shall be situated, in a book to be by him provided for that purpose, who shall be entitled to ten cents for each folio, for recording the same; and thereafter such trustees and their successors shall be a body corporate, by the name expressed in such certificate, with all the rights, powers and privileges of other religious corporations constituted according to law.

Sec. 2. All acts or parts of acts conflicting with the provisions of this act are hereby repealed, and the Legislature shall have power to amend or repeal this act at any time hereafter, at its discretion.

Sec. 3. This act shall take immediate effect.

Approved March 14, 1865.

[No. 169.]

AN ACT to amend sections one, thirteen and twenty, of act number two hundred and eleven, of the session laws of eighteen hundred and sixty-one, approved March fifteenth, eighteen hundred and sixty-one, and being "an act to incorporate the village of Lowell."

Sections
amended.

SECTION 1. *The people of the State of Michigan enact, That* sections one, thirteen and twenty, of an act numbered two hundred and eleven, to incorporate the village of Lowell, approved March fifteenth, eighteen hundred and sixty-one, be and the same are hereby amended so as to read as follows, to wit:

Boundaries.

SECTION 1. *The People of the State of Michigan enact, That* all that part or tract of land embraced within the following territory or described limits, to wit: being lots numbered two, three, six and seven, and also the south-east quarter of the north-east quarter, all on section number two, and also the south-west quarter of the north-west quarter, and the north-

west fractional quarter of the south-west quarter of section number one, in the township of Lowell, in the county of Kent, and State of Michigan, be and the same is hereby constituted a town corporate, and shall hereafter be known by the name or title of the village of Lowell.

Sec. 18. The common council shall have power to make all by-laws and ordinances for said village, and to make and regulate the powers of the marshal, treasurer, assessor, and to regulate the fees of all officers acting in and for said village, not otherwise provided for; to clear the banks of Flat river of all logs, brush and filth within the limits of said village, and to prohibit, prevent or abate all nuisances in said village, to punish the persons occasioning the same, and to declare what shall be considered a nuisance, and to direct their immediate abatement or removal by the marshal of said village, and to compel the owner of any unwholesome or obnoxious house or place to cleanse the same whenever they shall deem it necessary for the comfort, health, or convenience of the inhabitants of said village.

Sec. 20. The common council shall have power and authority to levy and collect all taxes on all real and personal estate or property within the limits of said village, by them deemed necessary to defray the expenses thereof, which shall not exceed one-fourth of one per cent. on the valuation thereof for the general fund, one-fourth of one per cent. in addition thereto for the fire department: *Provided*, That if necessary they may raise a special tax for the purchase of a fire-engine and hose sufficient therefor, and one-half of one per cent. in addition thereto as a highway or street tax, and shall have power and authority to make all necessary by-laws and ordinances for the collection of the same; and every assessment of tax lawfully imposed by the said common council on any lands, tenements or hereditaments, from the time of imposing such tax, shall be and remain liable for such tax or assessment until the same be paid, and the owner, or occupant or occupants, or parties interested respectively in said real estate, shall be liable, on demand,

Powers of
common
council.

Tax for ex-
penses of
corporation.

Limitation.

Tax for pur-
chase of fire
engine.

Highway
tax.

Premises
liable for
tax.

Street fund. to pay every such tax to be levied as aforesaid. The said highway tax shall constitute a street fund, and the same shall be expended by contract, under the direction of the common council, to the lowest bidder, after giving five days notice in writing, to be posted in three public places in said village by the marshal, who is to act as street commissioner, or by one or more street commissioners who may be appointed by the common council in place of said marshal, upon the streets, lanes, alleys, or public grounds in said village.

Sec. 2. This act shall take immediate effect.

Approved March 14, 1865.

[No. 170.]

AN ACT to authorize the collection of certain moneys in the third ward of the city of Jackson, to repay advances made by John H. Emmons and William Tharp, for the purpose of paying bounties to volunteers.

Tax for advances authorized.

SECTION 1. *The People of the State of Michigan enact, That* it shall and may be lawful for the common council of the city of Jackson to levy and collect by tax, to be assessed upon the real and personal property of the third ward of said city, in addition to all other taxes, the sum of five hundred and forty-three dollars and twenty-two cents, advanced by John H. Emmons, and the sum of forty-three dollars and twenty-two cents advanced by William Tharp, for the payment of bounties to volunteers under the call of the President of the United States made in July, in the year eighteen hundred and sixty-four, together with interest and the expenses of collection.

Sec. 2. This act shall take immediate effect.

Approved March 14, 1865.

[No. 171.]

AN ACT to amend section two of an act entitled "an act to incorporate a board of education for the city of East Saginaw," approved February fifteenth, eighteen hundred and fifty-nine.

SECTION 1. *The People of the State of Michigan enact, That* section two, of an act entitled "an act to incorporate a board of education for the city of East Saginaw," approved February fifteenth, eighteen hundred and fifty-nine, be amended so as to read as follows:

Sec. 2. The school inspectors of said city shall be a body corporate, by the name of "the board of education of the city of East Saginaw," and by that name may sue and be sued, and shall be subject to all the general laws of this State relative to corporations, so far as the same may be applicable. They shall succeed to and be entitled to demand all moneys and other rights belonging to the present school district in said city, heretofore known as school district number one, of the township of Buena Vista, and all real or personal property, or other rights of such district, lying within said city, or in the possession or control of any person for such district; and all money or other property shall be held by said board hereby constituted, and expended solely for the benefit of common school or schools within said city. Said board shall also pay all the debts and demands that may be existing against such district number one.

Sec. 2. This act shall take immediate effect.

Approved March 14, 1865.

[No. 172.]

AN ACT to restore section thirty-six, of township one north, of range twelve east, to the township of Warren, in the county of Macomb.

SECTION 1. *The People of the State of Michigan enact, That* section thirty-six, of township one north, of range twelve east, be and the same is hereby detached from the township of Erin,

in the county of Macomb, and restored to the township of Warren, in the same county.

Sec. 2. This act shall take immediate effect.

Approved March 14, 1865.

[No. 173.]

AN ACT to legalize the action of the electors of the township of Marcellus, in the county of Cass, and to provide for issuing the bonds of said township to pay such amount of volunteer bounty as was authorized by such electors at a special township meeting held therein on the twenty-first day of January, A. D. eighteen hundred and sixty-five.

sums of
bonds au-
thorized.

Amount of.

Interest.

SECTION 1. *The People of the State of Michigan enact, That* the township board of the township of Marcellus, in the county of Cass, is hereby authorized to issue the bonds of said township, in sums not exceeding one hundred dollars each, nor in the aggregate to exceed two thousand dollars, payable within one year from the passage of this act, with interest not exceeding seven per cent. per annum, in pursuance of a resolution adopted at a special election, held in said township on the twenty-first day of January, one thousand eight hundred and sixty-five, authorizing and providing for the payment of bounties to volunteers to fill the quota assigned to said township under the last call of the President of the United States for troops.

Tax for
payment of
principal
and interest

Sec. 2. The township board of said township is hereby authorized and required to cause to be raised by tax, on the taxable property of said township, a sum sufficient to pay the principal and interest of said bonds as they shall become due.

Sec. 3. This act shall take immediate effect.

Approved March 14, 1865.

[No. 174.]

AN ACT to amend sections two, three, four, six, eight, nine and ten, of title five, and sections fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty, sixty-one and sixty-two, of title six, and section eight, of title ten, of the charter of the city of Grand Rapids.

SECTION 1. *The People of the State of Michigan enact*, That section two, of title five, of the charter of the city of Grand Rapids, be amended so as to read as follows: Section amended.

Sec. 2. For the purpose of defraying the expenses and all liabilities incurred by said city, and paying the same, the common council may raise annually, by tax levied upon the real and personal property within said city, such sum as they may deem necessary, not exceeding one per cent. on the valuation of such real and personal estate within the limits of said city, according to the valuation thereof, taken from the assessment roll of the year preceding the levying of such tax, and the sum or sums so to be raised shall be apportioned between the several wards of said city, in the manner in this act provided. Tax for city expenses.
Apportionment of.

Sec. 2. That section three, title five, of the charter of said city, be amended so as to read as follows: Section amended.

Sec. 3. The collectors of the several wards of said city shall collect all taxes levied or assessed in their respective wards, except taxes for local improvements assessed upon parts or portions of the whole city, and for that purpose such collector shall give bonds to said city in such sum and with surety or sureties as the common council shall require and approve, and such collector shall also give to the treasurer of the county of Kent such further security as is or may hereafter be required by law of the several township treasurers of the several townships of this State; and for the purposes of the collection and return of all such taxes, and the return of property delinquent for the non-payment of taxes, the said collectors, on giving the bonds or surety so required, shall possess all the powers and perform all the duties of the several township treasurers of this State, as prescribed by law, and shall also perform such Collectors to collect tax.
Bond of.
To give security to county treasurer.
Power of.

other duties respecting the collection and return of taxes as this act imposes.

Section
amended.

Sec. 3. That section four, of title five, of said charter, be amended so as to read as follows:

Collector to
have an
office.

Sec. 4. The collectors of the several wards in said city shall, each in his respective ward, have an office for the receipt of taxes, which office shall be open for the receipt of taxes from eight o'clock A. M. until five o'clock P. M. for the space of twenty days, after the tax rolls shall have been placed in their

Deduction in
payment of
tax.

hands for collection; and all persons who pay their taxes at such offices before the expiration of twenty days after such tax rolls have been placed in the hands of the collector, shall be entitled to a deduction of three and three-fourths per cent. from the amount of their respective tax; and the said collectors shall, immediately on the receipt of the tax rolls of their respective wards, give notice, by publication in at least two newspapers published in "said city," (if so many there be,) and by printed notices posted in five public places in each ward, of the location of their respective offices, that the tax rolls are in their hands for collection, and that for the space of twenty days after the first publication of said notice, all persons paying their taxes at the offices so designated will be entitled to a deduction of three and three-fourths per cent. from the amount of their respective taxes, the printing of which notices

Notice of
collectors.

To pay over
money to
city treasurer.

shall be paid by the city; and the said collectors shall pay over to the city treasurer weekly all sums of money collected by them at their respective offices on account of taxes belonging to the city for city, school or highway purposes, and shall also pay over to the city treasurer, within the time prescribed by the warrant of the supervisors of their respective wards, for the collection and paying over the same, all sums of money collected on their respective rolls for city, school and highway purposes within such wards; and the said collectors shall, in all other respects, pay over all moneys received in payment or on account of taxes in their respective wards, in the manner

and at the time required by law of the treasurers of the several townships of this State.

Sec. 4. That section six, of title five, of said charter, be Section amended. amended so as to read as follows:

Sec. 6. For the collection of all such taxes the collectors, or Compensation of collectors. other persons appointed to collect the same, shall be entitled to receive from the city treasury, on orders properly issued by the common council, the sum of two dollars each for every day they may be employed in their respective offices in the receipt of taxes, and four per centum on all taxes by them collected after the expiration of twenty days after the first publication of the notices provided for in section three of this act; and it shall be the duty of the supervisors of the several wards of said city to add the sum of four per centum of the amount of the tax to be collected in the computation of the taxes on their respective rolls.

Sec. 5. That section eight, of title five, of said charter, be Section amended. amended so as to read as follows:

Sec. 8. It shall be the duty of the common council of said Council to determine the amount of tax to be raised. city, on or before the last Saturday preceding the first day of October in each year, to determine, by resolution, the amount necessary to be raised by tax for city and highway purposes within said city for such year; and it shall be the duty of the Clerk to certify amount to county clerk. city clerk to certify the amount so to be raised to the clerk of the county of Kent, on or before the first Monday in October in each year; and it is hereby made the duty of the said Apportionment of tax. county clerk of said county of Kent to apportion the amount so to be raised among the several wards of said city, according to the valuation of the property appearing upon the assessment rolls of said several wards for such year, as equalized by the board of supervisors for such year; and also to notify the su- Notice of. pervisors of the several wards of said city of the amount so apportioned to their respective wards, within five days after the board of supervisors of said county of Kent shall have completed the equalization of the valuation of the property in the said wards of said city, and the townships of said

Supervisor to levy and apportioned county for such year; and it is hereby made the duty of the supervisors of the several wards of said city to levy the sum so apportioned to his respective ward, and such other taxes as may be required by law, together with four per centum of the amount of all such taxes, to be added in the computation of the taxes on their respective rolls, for collectors' fees, upon the taxable property of such ward, in the same manner as taxes for township purposes are required by law to be levied by the supervisors of the townships of this State.

Section amended. Sec. 6. That section nine, of title five, of said charter, be amended so as to read as follows:

Taxes to be a lien. Sec. 9. The taxes so levied for city and highway purposes, shall be and remain a lien upon the property on which the same was levied in the same cases, and to the same extent, and in like manner, as taxes required by law to be levied on property in the several townships of this State are liens upon such property, and all provisions of law respecting the return and sale of property for the non-payment of taxes, for State, county and township purposes, shall apply to the return and sale of property for the non-payment of such city and highway taxes, except as herein otherwise provided.

Section amended. Sec. 7. That section ten, of title five, of said charter, be amended so as to read as follows:

Net proceeds of sales to be paid city treasurer. Sec. 10. The net proceeds of the sales of all property delinquent for non-payment of city or highway taxes, shall be paid to the treasurer of said city by the treasurer of the county of Kent, whenever required by the treasurer of said city, and the net proceeds of all sums paid to the treasurer of the county of Kent before sale, on account of property within said city, returned delinquent for non-payment of the city or highway taxes, shall in like manner be paid to said city treasurer.

Section amended. Sec. 8. That section fifty-five, of title six, of said charter, be amended so as to read as follows:

List of persons liable to highway tax. Sec. 55. The supervisor of each ward of said city shall, on or before the fifteenth day of September, in each year, furnish the common council, with an alphabetical list, subscribed by him,

of the names of all the male inhabitants of his ward who are liable to be assessed for highway taxes.

Sec. 9. That section fifty-six, of title six, of said charter, be Section amended. amended so as to read as follows:

Sec. 56. The supervisor of each ward in said city, at the time Highway tax. of making the annual tax roll for his ward, shall, in addition to other taxes he may be ordered by proper authority to assess, assess every male person between the ages of twenty-one and fifty years, except paupers, lunatics and idiots, and other persons exempt by law from taxation for highway purposes, the sum of one dollar, which shall be collected in the same manner as other taxes, and paid into the city treasury to the credit of the highway funds.

Sec. 10. That section fifty-seven, of title six, of said charter, Section amended. be amended so as to read as follows:

Sec. 57. The collectors of the several wards of said city shall, Return of unpaid highway taxes. at the time they are required by law to make returns of unpaid or delinquent taxes, make a return to the city clerk of the names of all those persons from whom they have been unable to collect the highway tax provided by section fifty-six of this title, with the reasons thereof, verified by oath or affirmation, and the city clerk shall report the same to the city council, who may, if such reasons are satisfactory, order the amount of such delinquent highway taxes deducted from the sum such collector is, by his warrant, ordered to pay to the city treasurer, to the credit of the highway fund.

Sec. 11. That section fifty-eight, of title six, of said charter, Section amended. be amended so as to read as follows:

Sec. 58. The first, second and third wards of said city, and Highway districts. all territory that may be added thereto, shall constitute the first highway district of said city; and the fourth and fifth wards of said city, with the territory that may be added thereto, shall constitute the second highway district of said city; and each district shall have its separate highway fund, and it shall not be lawful to expend any portion of the highway tax author-

ized by this act except in the highway district in which it was raised.

Section
amended.

Sec. 12. That section fifty-nine, of title six, of said charter, be amended so as to read as follows:

Highway
fund not to
be used for
other pur-
poses.

Sec. 59. The money paid into the city treasury to the credit of the several highway funds, shall not be used for other purposes.

Section
amended.

Sec. 13. That section sixty, of title six, of said charter, be amended so as to read as follows:

Highway
fund, how
expended.

Sec. 60. The money collected and paid into the city treasury in accordance with the provisions of this act, to the credit of the several highway funds, shall be expended under the direction of the common council of said city, by such persons, and under such regulations, as the said common council may appoint and adopt, in the improvement and cleaning of the streets, highways and alleys of said city, but nothing herein contained shall be construed to authorize the use of such highway money in the grading or paving of any street or alley in said city.

Section
amended.

Sec. 14. That section sixty-one, of title six, of said charter, be amended so as to read as follows:

Report of
highway
com'r.

Sec. 61. The person or persons appointed by the common council to superintend the expenditure of the highway funds of said city shall, at the first regular meeting of the common council in each month, make a full report of all his or their doings and expenditures during the previous month, with vouchers for the same, verified by his or their oath or affirmation; and if such statements and reports of expenditures shall be satisfactory to said common council, they shall order the payment thereof out of the proper highway funds of said city, by orders signed by the city clerk and countersigned by the comptroller.

Section
amended.

Sec. 15. That section sixty-two, of title six, of said charter, be amended so as to read as follows:

Common
council may
borrow
money.

Sec. 62. The common council of said city may borrow, on the credit of the city, for highway purposes, any sum necessary for immediate use, not exceeding two thousand dollars in any

one year, and at a rate of interest not exceeding seven per cent., which shall be paid from the highway tax of the district for which it was borrowed, and from the highway tax of the year in which it was borrowed; and all moneys now in the treasury of said city to the credit of the first second and third highway districts of said city shall, on the passage of this act, be placed to the credit of the first highway district; and all moneys now in the treasury of said city to the credit of the fourth and fifth highway districts shall, on the passage of this act, be placed to the credit of the second highway district of said city.

Highway moneys on hand to be credited to districts.

Sec. 16. That section eight, of title ten, of said charter, be amended so as to read as follows:

Section amended.

Sec. 8. All fines imposed under the last five sections shall belong to the city, and when collected shall be paid into the city treasury, and be devoted to the maintenance and support of the pest-house, or of any hospital that may hereafter be established by said city; and all fines, penalties or forfeitures which have been, or shall be hereafter paid into the city treasury, assessed or collected for any breach of the penal laws of this State, shall be exclusively applied to the support of school libraries in the several school districts of said city, and shall be apportioned by the city treasurer between said districts, according to the number of children between the ages of five and twenty years, as shown by the last annual statement of the city clerk, on file in his office, which money shall be applied to the purchase of books for said libraries, and the care and protection of the same, and to no other purpose whatsoever, and may be drawn from the treasury for that purpose in the same manner that other school moneys are drawn. The power of purchasing such books, and the care of the same, is hereby vested in the board of trustees of said districts respectively.

Fines, moneys arising from, how applied.

Apportionment of.

Purchase of library books.

Sec. 17. This act shall take immediate effect.

Approved March 14, 1865.

[No. 175.]

AN ACT making appropriation for the Michigan Asylum for the Insane, for deficiencies, for the years eighteen hundred and sixty-three and eighteen hundred and sixty-four.

Appropriation. SECTION 1. *The People of the State of Michigan enact, That* the sum of eight thousand five hundred and fifty dollars, for the payment of arrears, and for the erecting of a house for the use of the engineer of the Michigan Asylum for the Insane, be and the same is hereby appropriated out of any moneys in the general fund, and the same shall be passed to the credit of said **How drawn.** asylum fund, on the books of the State Treasurer, and may be drawn by the treasurer of the asylum for the insane, upon warrants made by the clerk of the board of trustees of said asylum, approved by the medical superintendent thereof, and countersigned by the Auditor General, and to be applied as **Clerk to file estimates.** herein provided, and in no other manner. No moneys shall be drawn by virtue of this act by said board until the clerk of said board shall file with the Auditor General a statement showing for what purpose the money is to be used.

Sec. 2. This act shall take immediate effect.

Approved March 15, 1865.

• [No. 176.]

AN ACT to amend sections thirteen and twenty-four, of act number two hundred and sixteen, of the session laws of eighteen hundred and sixty-one, being "an act to provide for the draining of swamps, marshes, and other low lands," approved March fifteenth, eighteen hundred and sixty-one.

Sections amended. SECTION 1. *The People of the State of Michigan enact, That* sections thirteen and twenty-four, of act number two hundred and sixteen, of the session laws of eighteen hundred and sixty-one, being "an act to provide for the draining of swamps, marshes, and other low lands," be so amended as to read as follows:

Sec. 13. The commissioners shall each be entitled to receive Compensation of commissioners. two dollars per day, for the time actually spent by them in performing their duties under this act, and their necessary traveling expenses, to be audited by the board of supervisors, or in the county of Wayne by the county auditors, and paid out of the moneys collected by virtue of this act, and not otherwise.

Sec. 24. Said commissioners shall have power to apply to Special commissioners to assess damages, etc. any judge of a court of record of such county, for the appointment of three commissioners; and thereupon it shall be the duty of said judge to appoint said commissioners, and deliver to said drain commissioners a certificate of the appointment of said commissioners; and it shall be the duty of said commissioners appointed by said judge to determine the necessity for constructing any ditch or ditches, and to assess the damages to which any person or persons shall be entitled, by reason of the construction thereof, in the same manner and under the same restrictions imposed on a jury of freeholders, in section twenty-one of this act, and in such case it shall not be necessary to empanel any jury, as provided by this act.

Sec. 2. That said act be further amended by inserting therein New section a new section, which shall stand as section twenty-seven, and shall read as follows:

Sec. 27. Any person or persons who shall or may be taxed Construction of side drains authorized. for the construction of any drain or drains constructed in accordance with the provisions of said act, whose lands shall not be situated on the line of said drain, but adjacent thereto, shall have the right, and it shall be lawful for such person or persons to construct, dig and excavate a drain, and keep the same open in any water course leading from such lands into said drain across the lands of any person or persons lying between said lands so taxed and said drain, at proper seasons of the year, and causing as little damage as possible to the owner or

occupant of the lands through which such drain may be constructed.

Sec. 3. This act shall take immediate effect.

Approved March 15, 1865.

[No. 177.]

AN ACT to amend section two thousand five hundred and seventy-eight of the compiled laws, being "an act to provide for the collection of tolls, and for the care, charge and operating of the Saint Mary's Falls ship canal.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of "an act to provide for the collection of taxes, and for the care, charge and operating of the Saint Mary's Falls ship canal," be amended so as to read as follows:

Superinten-
dent, ap-
pointment
of.

(2578.) SECTION 1. *The People of the State of Michigan enact*, That the Governor is hereby authorized, by and with the advice and consent of the Senate, to appoint a superintendent of the

Term of
office.

Saint Mary's Falls ship canal, whose term of office shall commence on the first day of April next, and continue for two years, or until his successor in office is appointed and ready to

Powers of.

enter upon his duties, who shall have the general care and supervision of said canal and property belonging thereto, and shall receive such tolls from vessels passing into or through

Oath.

said canal as shall be hereinafter provided and established by this act; and the said superintendent, before entering upon the duties of said office, and within twenty days after receiving of-

Bond.

ficial notice of his appointment, shall take and subscribe the constitutional oath of office, and shall give a bond in the sum of twenty thousand dollars, with two or more sureties, conditioned for the faithful discharge of the duties of his office, which bond shall be approved by the Governor, Auditor General and State Treasurer, (who are hereby appointed and con-

Board of
control.

stituted a board of control of said canal,) and shall, within the aforesaid twenty days, be deposited, together with his oath, by said superintendent, with the Secretary of State, who shall

file and preserve the same in his office. The said superintendent shall keep an accurate account of all tolls received, Superintendent to keep account. and on the last day of each month in which any tolls shall be collected, he shall transmit a copy or abstract of the same to the said board of control; and such abstract shall also state the amount of money paid out for the benefit of the canal, and to whom, and for what purpose; and on the last day of each month, as aforesaid, or at such other time as the State Treasurer shall direct, he shall pay to said State Treasurer, in such funds, and in such place and manner as said treasurer may at any time direct, all tolls or moneys collected over and above a sum not exceeding five hundred dollars, after paying the actual and necessary expenses for the care, repairs and operating of said canal, (subject in all cases to the approval of said board of control,) and the tolls or moneys paid as aforesaid to the State Treasurer shall be known as the Saint Mary's Falls ship canal fund. It shall be the duty of said superintendent to keep a Record of vessels to be kept. record of all vessels passing through said canal, exhibiting the name of the vessel and captain, tonnage, place of enrollment, whether steamboat, propeller or sail vessel, and the amount of Also amount of tolls. tolls collected of each vessel, and on the last day of each month as aforesaid a copy or abstract of the same shall be transmitted to said board of control; and the said superintendent shall receive such salary as shall be fixed and established by said board, not exceeding one thousand five hundred dollars per annum. Salary of superintendent.

Sec. 2. This act shall take immediate effect.

Approved March 15, 1865.

[No. 178.]

AN ACT to amend sections sixty-one and sixty-two of an act entitled "an act to incorporate the city of Battle Creek," approved February third, eighteen hundred and fifty-nine, relating to the assessment and collection of highway taxes.

SECTION 1. *The People of the State of Michigan enact, That* sections sixty-one and sixty-two of an act entitled "an act to Sections amended.

incorporate the city of Battle Creek," be so amended as to read as follows:

Poll tax.

Sec. 61. The common council shall have power to assess and collect from every male inhabitant of said city, over the age of twenty-one and under the age of fifty years, (except paupers, persons of color not possessing taxable property, and idiots and lunatics,) a list of whom shall be made by the supervisor at the time of making the annual assessment, an annual capitation or poll tax, not exceeding one dollar, and they may provide by the by-laws for the collection of the same.

Tax for
streets,
bridges, etc.

Sec. 62. The said common council shall also have authority and power to levy and assess taxes upon the real and personal property within the limits of said city, to the extent that it shall be deemed necessary by the common council, not to exceed one-half of one per cent. on the valuation, for the purpose of being expended upon the streets, bridges, lanes and alleys, and public grounds of the city, in opening, working upon, repairing and grading such streets, bridges, lanes and alleys, and public grounds; and the manner of levying and collecting such taxes, and the return of property for the non-payment of taxes, and the sales and redemption of the same, shall be the same, as near as may be, as other city taxes are to be assessed and collected; and it shall be the duty of the common council to expend the money so raised, for the purpose aforesaid, by contract or otherwise.

How levied
and collect-
ed.

Sec. 2. This act shall take immediate effect.

Approved March 15, 1865.

[No. 179.]

AN ACT to amend an act entitled "an act to amend an act entitled an act to incorporate the village of St. Joseph," approved February eleventh, eighteen hundred and fifty-nine.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact, That sections two, eleven, twenty-six, thirty-two, thirty-three and thirty-seven, of "an act to amend an act entitled an act to*

incorporate the village of St. Joseph," approved February eleventh, eighteen hundred and fifty-nine, be amended so as to read as follows:

Sec. 2. The male inhabitants of said village, having the qualifications of electors under the constitution of this State, shall meet on the first Monday in May in each year, at such place as is or may be hereafter provided by the by-laws of said village, and then and there proceed, by plurality of votes, to elect by ballot, one president, one recorder, five trustees and one treasurer, who shall hold their offices respectively for one year, and until others are elected and qualified: *Provided*, That no person shall hold his office for more than one year after the expiration of the time for which he was elected: *Provided, also*, That if an election of such officers shall not be held at the time required by this act, the said corporation for that purpose shall not be deemed to be dissolved, but it shall and may be lawful to hold such election at any time thereafter, pursuant to public notice, to be given in the manner hereinafter prescribed.

Village officers to be elected.
Proceedings when election is not held at time required.

Sec. 11. The common council shall have full power and authority to appoint one marshal, two assessors, and all officers necessary under the provisions of this act for said village, whose election is not provided for in this act, and all officers so appointed shall be notified as hereinbefore provided in case of election of officers, and shall hold their offices for one year, unless sooner removed, and shall perform the duties of their respective offices; and said common council shall have full power and authority to remove at pleasure any of the officers by them appointed by virtue of this act.

Common council to appoint certain officers.
Removal from office.

Sec. 26. The common council of said village shall have full power and authority to levy a capitation or poll tax upon every male inhabitant of said village, over twenty-one years and not exceeding fifty years of age, residing in said village at the time said capitation or poll tax shall be assessed, and also taxes on all real or personal estate, (not exempt from taxation,) within the limits of said corporation, necessary to defray the necessary

Poll tax.
Tax for corporation expenses.

Limitation. expenses thereof: *Provided*, The amount of taxes so assessed shall not exceed, in any one year, unless authorized by a majority vote of the electors of said village, at a meeting of said electors called for that purpose, one per centum upon the valuation of said real and personal estate, and exclusive of any capitation or poll tax: *Provided, also*, The amount of such taxes so assessed, exclusive of such capitation or poll tax, shall in no

Payment of. case exceed two per centum on such valuation; and the owner or occupant, or person in interest respectively in such real and personal estate, shall be liable, on demand, to pay every such

**Sale of prop-
erty in de-
fault of.** assessment or tax legally made as aforesaid; and in default of such payment, or of any part thereof, it shall be lawful for the marshal of said village to sell personal estate, and for want thereof to sell the real estate, rendering the surplus moneys, if any there be, after paying said taxes, and the costs and charges of such sale, to the person against whom the said tax was levied, or to the person claiming said property at the time of

**Return of
roll to re-
corder.** such sale; the marshal shall, within ten days after the expiration of the time mentioned in his warrant for the collection of said taxes, return the tax roll into the office of the recorder;

**Return of
unpaid
taxes.** and in case any of the taxes mentioned in said roll shall remain unpaid, and he has been unable to collect the same, he shall make out a statement of the taxes remaining unpaid and due, with a full and perfect description of such premises from said roll, and affix opposite to each description the amount of taxes due and unpaid on the same, and shall attach thereto an affidavit, stating that he has not been able to collect the taxes

**Sale of lands
for nonpay-
ment of
taxes.** mentioned in said return. The recorder of said village shall, immediately after receiving from the marshal the said return and statement of the taxes due and unpaid, transcribe the same into a book to be provided and kept for that purpose, and it shall be the duty of the marshal, under the direction of the common council, and in pursuance of the ordinances or resolutions of said council, to sell at public sale so much of said lands so returned, on account of the non-payment of the taxes assessed thereon, as shall be necessary to satisfy the amount of

such taxes so returned, with interest on the same from the date of the return made to the recorder as aforesaid to the day of sale, at the rate of ten per centum per annum, together with such amount as shall be directed by the common council, to cover the expenses of such sale and giving public notice thereof, not exceeding fifty cents for each description advertised for sale: *Provided*, That whenever any real estate shall be sold by *Notice of* said marshal, notice thereof shall be published in a newspaper printed and published in said village, once in each week, for six weeks in succession, previous to such sale, or by posting up such notice in at least six public places in said village, six weeks previous to such sale; and such notice shall contain a brief description of the real estate to be sold, together with the amount of taxes and charges due thereon, for which the same is to be sold; and on such sale the marshal shall give to the purchaser *Certificate of purchase.* of any of the lands so sold, a certificate in writing, describing the lands purchased, and the sum paid therefor, and the time when the purchaser will be entitled to a deed therefor; and if *Conveyance* the person claiming title to the lands described in said certificate of sale shall not, within one year from the date of such certificate, pay to the recorder of said village, for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with interest thereon at the rate of twenty-five per centum per annum, from the date of such certificate, the said marshal, or his successor in office, at the expiration of said one year, execute to the purchaser or purchasers, his, her or their heirs or assigns, on presentation and surrender of such certificate, a conveyance of the lands so sold, which conveyance shall vest in the person to whom it shall be given, an estate in fee simple, subject to all claims the State of Michigan may have therein; and such conveyance shall be *prima facie* evidence *Conveyance evidence of regularity.* that all the proceedings therein, prior to the execution of such deed, were regular, according to the provisions of this act; and every such conveyance, executed by the said marshal, under *May be given in evidence.* his hand and seal, in the presence of two subscribing witnesses, and duly acknowledged in the usual form, may be given in evi-

dence in the same manner, and with the like effect, as a deed regularly executed and acknowledged by the owner: *Provided,*

Village may
purchase
premises.

That if any parcel of land advertised, as aforesaid, cannot be sold to any person for the taxes and charges, the marshal shall bid the same off to and in the name of the common council of the village of St. Joseph, and shall give a like certificate of such sale, which shall have the like effect in all respects as if the same had been given to any other purchaser thereof. Upon

Marshal to
return list
of lands
sold.

the completion of said sale, the marshal shall deliver to the recorder a detailed statement of such sale, containing a description of the premises sold, the particular amount for which the same was sold, and the names of the purchasers, which shall be transcribed in a book, to be provided and kept by said recorder; and the said recorder shall receive and receipt all moneys paid on the redemption of said sales, and account to the common council for all amounts so received. All personal property sold by the marshal, shall be sold in such manner as shall be prescribed by the by-laws and ordinances of said village.

Sale of per-
sonal prop-
erty.

Penalty for
obstructing
streets, etc.

Sec. 32. Any person obstructing any street, alley, sidewalk or highway in said village, or the part thereof used therefor, who shall neglect or refuse to remove such obstruction within two days after personal notice has been given him by the marshal to remove the same shall forfeit and pay for the use of said corporation five dollars and costs of suit, for each day of such neglect or refusal to remove such obstruction after the expiration of the said two days as aforesaid; and the said marshal may forthwith, after the expiration of the said two days, cause such obstruction to be removed at the expense of the person obstructing the same, or the person interested in maintaining and keeping up such obstruction, or may, at his option, retain the possession of the property so removed, until the expenses of removing the same be paid, or legally tendered to the marshal or treasurer of said village.

Marshal
may remove
obstruction.

Duty of
marshal in
case of

Sec. 33. Whenever the marshal shall be notified by any resident of said village that any street, alley, side-walk or highway,

and used as such, in said village, is obstructed, and that such obstruction is not authorized by the common council, it shall be the duty of the marshal to cause such obstruction to be removed, as provided in the last preceding section.

Sec. 37. Before allowed to vote at any regular or special election of the corporation, every person liable to a capitation or poll tax may be required to pay the sum of one dollar, in full for such tax until the next regular election, and it shall be the duty of the treasurer of the corporation to be present at the election and to receive said tax, and to give to the person paying the same a receipt therefor. No person for non-payment of said poll tax shall be precluded or prevented from voting, unless the notice of the election required to be given shall state that such tax will be demanded on the day of said election. It shall be the duty of the treasurer to file with the recorder a list of the names from whom he has received said tax, and to account to the common council for the same.

Payment of poll tax may be required before voting at corporation election.

Notice thereof.

List of persons paying to be filed.

Sec. 38. This act shall take immediate effect.

Approved March 15, 1865.

[No. 180.]

AN ACT to incorporate the village of Otsego.

SECTION 1. *The People of the State of Michigan enact, That all those tracts or parcels of land known and described as follows, to wit: the south fraction of the north-east fractional quarter, and the east half of the south-east quarter of section twenty-two, and the south fraction of the north-west fractional quarter, the south-west quarter, forty rods in width off from the west side of the south-east quarter; forty rods in width off the west side of the south fraction of the north-east fractional quarter of section twenty-three, the north fraction of the north-west fractional quarter, and forty rods in width off the west side of the north fraction of the north-east fractional quarter of said section twenty-three, the south half of the south-west*

Boundaries.

Name. quarter, and forty rods in width off the west end of the south half of the south-east quarter of section fourteen, in township one north, of range twelve west, in the State of Michigan, shall be and the same is hereby constituted a village corporate by the name of Otsego village.

Elections. Sec. 2. The inhabitants of said village, having the qualifications of electors, under the constitution of the State, shall meet at the township clerk's office in said village, on the first Monday of April next, and on the first Monday of March annually thereafter, at such place as shall be provided in the by-laws of

Officers. said village, and there by ballot, shall elect by plurality of votes, one person to be president of said village, and three persons shall, in like manner, be elected trustees for one year, and three for two years, and one person also shall be elected marshal; and annually thereafter a president and marshal shall be elected as aforesaid, who shall hold their respective offices for one year, and three trustees shall be elected who shall hold their offices for two years; but if an election of president and trustees shall not be made on the day when, pursuant to this act, it ought to be made, the said corporation shall not for that cause be dissolved; and it shall be lawful to hold such election at any time thereafter, public notice being given, as prescribed by this act for the holding of the regular election. The president

Village board.

Duties of president.

and three trustees thus elected, together with three trustees, whose term of office is unexpired, shall constitute a village board, and a majority of the board shall constitute a quorum for the transaction of business, and a less number may adjourn from time to time; the president shall also be the chief executive officer of the village, he shall preside at the meetings of the board, and it shall be his duty to see that all the officers of said village faithfully discharge their duties; and in case of his absence or inability to serve, the trustees shall have power to elect from their own number a president *pro t. m.*, who shall have all the powers, and perform all the duties of the president.

Notice of election.

Sec. 3. It shall be the duty of the clerk, to give at least five days notice of the time and place of holding an election, either

by posting written or printed notices, in five of the most public places in said village, or by causing the same to be published in some paper printed in the village; and at all the elections the polls shall be opened at nine o'clock in the forenoon, ^{When polls to be opened and closed.} or as soon thereafter as may be, and closed at four o'clock in the afternoon; and at the close of the polls the ballots shall be counted and a true statement thereof proclaimed to the electors present, and the clerk shall make a true record thereof, and ^{Canvass.} within five days give notice to the persons elected, who shall ^{Notice to persons elected.} enter upon their duties the ensuing Monday.

Sec. 4. Any two of the trustees may be inspectors of the election, and the clerk of the village or his substitute, shall be ^{Inspectors and clerk of election.} the clerk of the election, and the inspectors and clerk shall take ^{Oath of.} an oath to be administered by either of the others, to faithfully and honorably discharge their duties as inspectors or clerk of election, and said board shall have such power to preserve the purity of the election as is now or may be hereafter given to township boards of election.

Sec. 5. The president and every other officer, elected or appointed under the provisions of this act, before he enters upon the duties of his office shall take and subscribe an oath or affirmation, which may be administered by any trustee, or any other person authorized to administer oaths, to support the constitution of the United States, and of this State, and that he will faithfully and impartially discharge the duties of his office according to the best of his ability, a record of which oath shall be made and kept by the clerk; and it shall be the ^{Village clerk} duty of the president and trustees, on their being duly qualified, to appoint a village clerk, who shall hold his office one ^{Term of.} year, unless sooner removed by them, who shall attend all ^{Duty of} meetings of the board, keep a fair and accurate record of their proceedings, and perform such other duties as shall be assigned him by the by-laws and ordinances of the village.

Sec. 6. The president and trustees of said village shall be a ^{Body corporate.} body corporate and politic, with the same powers as township boards, in addition to those granted by this act, under the

Common seal.	name of president and trustees of the village of Otsego, and may have a common seal, which they may alter at pleasure,
May hold real estate.	may purchase and hold real estate for the use of said village, and at any time sell and convey the same, and may sue and be
Sued against, how commenced.	sued, defend and be defended in any court; but when any suit shall be commenced against the corporation, the same shall be commenced by summons, an attested copy of which shall be served upon the president of the village, at least six days before the return day thereof: <i>Provided</i> , That in case such summons cannot for any reason, be served on the president, it may be served on any one of the trustees.
Proviso.	
Powers of village board.	Sec. 7. The president and trustees shall have power to ordain and establish by-laws, rules and regulations, and to alter and repeal the same at pleasure, for the following purposes, viz: for the appointment of a treasurer, and prescribing his duties, one
Appointment of officers.	assessor, and such other officers for said village as they may deem necessary, and also such as they may deem necessary and
Preserving public property.	right for the maintenance and preservation of the public places, property and buildings of said village; to regulate the police
Police.	thereof; to preserve the public peace; to prevent riots, disturbances and disorderly assemblages; to appoint watchmen and
Riots.	
Watchmen.	
Fire-department.	policemen, and organize a fire department and define their duties, and prescribe penalties for their delinquencies; to restrain, apprehend and punish vagrants, mendicants, drunkards
Vagrants.	and all disorderly persons; to punish lewd and lascivious behavior in the streets or other public places; to suppress and restrain disorderly and gaming houses, billiard tables, and other devices and instruments of gaming; and shall have the exclusive power and authority to license such persons as tavern
Gaming houses.	keepers, and common victualers, as they shall think best, but no license shall be in force except during the life of the board granting it; to prevent the selling or giving away of spirituous
Tavern keepers.	or fermented liquors to drunkards, minors or apprentices; to prevent and punish inordinate riding or driving in the streets; to abate, prevent and remove nuisances; to suppress all disorderly houses and houses of ill-fame, and to punish the keepers and
Spirituous liquors	
Inordinate driving.	
Disorderly houses.	

inmates thereof; to prevent and compel the removal of all in- Incum-
 cumbrances, encroachments and obstructions upon the streets, brauces of
 walks, lanes, alleys, parks and public grounds; to compel the streets.
 owners or occupants of lots to clear sidewalks in front of, and
 adjacent thereto, of snow, ice, dirt, mud, boxes and every in-
 cumbrance or obstruction thereto; to regulate the storage of Powder.
 powder, lumber, or other combustible material; to prevent the Fire arms:
 use of fire-arms, slung-shots and other weapons, and fire-works;
 to construct and regulate markets; the vending of poultry, Markets.
 meat, vegetables, fruits and fish; to regulate the sale of hay,
 wood, lime, lumber and coal; the sealing of weights and meas- Weights and
 ures; to regulate and maintain pounds, and to provide for the measures.
 restraint of horses, cattle, sheep, swine, mules and other animals, Pounds.
 geese or other poultry; to prevent the running at large of dogs, Dogs.
 to require them to be muzzled, and to authorize their destruc-
 tion if found at large, in violation of any ordinance; to regu- Cartmen,
 late and license cartmen, porters, hacks, cabs, and to regulate etc.
 their rates of compensation; to prevent runners from soliciting
 travelers; to construct hydraulic works to supply the village Hydraulic
 with water; to light the streets; to borrow money for public works.
 improvements, not exceeding one thousand dollars in any one Borrow
 year; to establish wells and cisterns, and prevent the waste of Wells.
 water; to prevent bathing in public streams; to purchase Cemeteries.
 grounds for, and regulate cemeteries, and the burial of the
 dead, and to provide for the return of bills of mortality, and to
 order the use for burial purposes of any burial ground or
 cemetery to be discontinued, whenever they may deem the same
 necessary for the best interest or health of the citizens; to as- Grades of
 certain, establish and settle the boundaries of all streets and streets.
 alleys, and to establish grades therefor; also, to order and cause
 to be drained or filled up, and to assess the cost and expense
 on the premises benefitted; to regulate the building of parti- Fences.
 tion and other fences; to establish lines upon which buildings Buildings.
 may be erected, and beyond which such buildings shall not ex-
 tend; to prevent the erection of buildings in an unsafe man-
 ner, and to pass all necessary regulations relative to buildings

Precautions against fire.	deemed unsafe; to purchase and keep in order fire-engines, and other fire apparatus, and to construct buildings to store them, and to cause each building occupied as a house, store or shop, to be provided with fire-buckets and ladders; to establish fire limits, within which no wooden building shall be built, enlarged or placed; to regulate party walls, chimneys, flues, and putting up stoves and stove-pipes; to regulate the construction of smith shops, planing establishments, bakeries, and other buildings considered extra hazardous; to guard
Extra hazardous buildings.	against fires; to regulate the duties, powers and fees of village officers; to prescribe the setting of posts and shade trees; to provide for the construction of side-walks, and repairing the same; to grade the walks, streets and alleys, and to pre-
Fees of officers.	scribe the manner of planking and repairing them; the cost and expense of repairing side-walks, grading the walks, streets and alleys, the paving or planking to be paid by assessments on the lot in front of, or adjoining either or all of such improvements
Shade trees.	shall be made: <i>Provided</i> , That so much money belonging to the highway fund of said village, as the president and trustees may direct, may be expended for grading: <i>And provided further</i> ,
Grades.	That not more than one per cent. on the assessed value of any
Assessment for.	lot shall be collected in any year for such purpose; to construct and keep in repair the public highways, bridges, culverts and sewers; to lay out new streets and alleys, and extend those already laid out, under the restrictions provided in this act; to vacate streets and alleys; to prescribe the levying and collec-
Highway fund.	tion of highway and other taxes; to provide for taking a census whenever they shall see fit; to regulate theatres, shows and concerts; to regulate and tax, at their discretion, auctioneers, or auction sales, gift enterprises, hawkers, hucksters, ped-
Limitation of amount.	dlers and pawnbrokers; to regulate the covering of mill races, at the expense of the owners thereof; to rail and curb where necessary, all walks, at the expense of the owners of the ad-
Public highways, etc.	joining lots; to levy taxes on all personal and real estate within the limits of the village, except property belonging to the vil-
Census.	lage, town, county or State, excepting also places of public
Theatres.	
Auctions, etc.	
Mill-races.	
Levy of taxes.	

worship belonging to any church or congregation, and all grounds and buildings used exclusively for educational purposes; to take the land of any individual for the purpose of constructing, widening or extending streets, lanes, alleys, drains or sewers, but not until such individual shall be paid the value thereof, and all buildings thereon, and all the damages he will sustain, as provided for in this act; for the violation of any by-laws, rules and regulations, such reasonable penalties may be imposed by the law itself as the president and trustees may deem proper; and when any fine or penalty shall not exceed one hundred dollars, the same may be recovered before any justice of the peace in the township of Otsego; and any interest the inhabitants of the village of Otsego may have in the fine or penalty to be recovered, shall not disqualify any inhabitant of said village to try said cause, or serve as a juror or witness therein; and the circuit court for the county of Allegan shall also have jurisdiction to try and determine all causes brought for the recovery of any fine or penalty imposed by said by-laws.

May take
lands for
constructing
streets.

Penalties for
violation of
by-laws.

How recovered.

Inhabitants
may act as
jurors, etc.

Jurisdiction
of circuit
court.

Sec. 8. All taxes levied upon real estate, and all assessments made thereon, for opening, widening, extending, paving, grading, planking or repairing a street or alley, or making or repairing sidewalks, and all highway taxes, shall be and remain a lien upon said estate until the same is paid.

Taxes a lien.

Sec. 9. The president and trustees shall, at the expiration of each year, cause to be made out and published in some newspaper printed in said village, if one shall be printed therein, and if one is not printed therein, then to post up on the door of the building where the last annual election was held in said village, a true statement, exhibiting in detail all items of receipts and expenditures of the preceding year.

Annual report of village board.

Sec. 10. No by-law or ordinance of said corporation shall have any effect until the same shall have been published at least one week in a newspaper printed in said village, or until it shall have been posted up for one week in three public places in said village, and an affidavit of the said publication in the

By-laws to be published.

Proof of. manner aforesaid, in case the publication is by posting up, to be made by the clerk of the village; and in case the publication is in a newspaper in which the same was published, then by the publisher of the newspaper in which the same was published, entered at large upon the record of said corporation, shall be *prima facie* evidence of such publication.

Assessment roll, contents of.

Sec. 11. The assessor of said village shall, once in each year, make an assessment roll, containing a description of all the property, both real and personal, liable to taxation in said village, and the name of its owner or occupants, or agent thereof, if known, and shall set down in such roll the valuation of such property, at its fair value, placing the value of personal property on a separate line; and it shall be the duty of the

Notice of review of roll.

president and trustees, once in each and every year, and immediately after the assessor has assessed the real and personal estate, lying and being in said village, and before any tax shall be levied on the same, to give ten days notice, by publishing thereof, the time and place of reviewing said assessment roll, under the supervision of the president and the assessor, that any person or persons deeming themselves aggrieved may be heard; and the roll may then and there be altered, if it shall be made to appear that any person has been wrongfully assessed. After the expiration of the said ten days, the assessor and the president and trustees shall immediately proceed to estimate, apportion and set down, in a column left for that purpose, opposite to the several sums set down, as the value of real and personal estate in the assessment roll, the respective sums, in dollars and cents, to be paid as a tax or assessment

Apportionment of tax.

To be delivered to marshal.

thereon, and shall then cause said assessment roll, or a copy thereof, to be delivered to the marshal of said village, with a

Warrant of.

warrant annexed thereto, under the hand and seal of said assessor, directing and requiring him to collect from the several persons named in said roll, the several sums mentioned therein set opposite their respective names, as a tax or assessment, and authorize him, in case any of them shall neglect or refuse to pay such sums, to levy the same by distress and sale

of his or her goods and chattels, together with the costs and charges of such distress and sale, and directing him to pay such money, when collected, to the treasurer of said village, by a certain day therein named, not less than forty days from the date of said warrant, and said warrant may be renewed Renewal of from time to time as the trustees may deem best; and when Assessment for special improvements. any assessment shall be made for any special improvement, it shall be legal, even if it is not made at the time of making the grand list, notice being given of the review of said assessment as herein provided.

Sec. 12. If any person shall refuse or neglect to pay the sum Levy of tax by distress and sale. or sums at which he or she shall be taxed or assessed as aforesaid, the marshal is hereby authorized and required to levy the same, by distress and sale of the goods and chattels of the person who ought to pay the same, first giving public notice Notice of. thereof, as is required by law to be given by township treasurers; and in case the goods and chattels distressed shall be Surplus to be paid owner. sold for more than the amount of the tax or assessment, with the charges of distress and sale, the surplus shall be paid to the owner of such goods and chattels on demand; and in case Return of unpaid taxes the marshal shall be unable to collect the taxes assessed on any real estate, he shall make a return thereof, with the amount due and unpaid on each description, and said tax thereafter shall be a lien on the same.

Sec. 13. The tax upon real estate, with all the assessments Sale of real estate for taxes. for the purposes named in the eighth section of this act, shall be put down in the assessment roll by itself in a column, and whenever any such tax or assessment, and all taxes on real estate returned for non-payment of taxes, as provided in the preceding section, and the interest thereon, which shall be computed at the rate of twenty per centum per annum until paid, shall remain unpaid for two years from the date of the warrant to the marshal as aforesaid, the treasurer of said village shall cause so much of the land charged with such tax and assessment and interest to be sold at public auction, at some public

place in said village, to the highest bidder, as shall be necessary to pay the said taxes and assessments and interest, together with all taxes thereon, first giving at least thirteen weeks notice of the time and place of sale, by advertisement posted up in three of the most public places in said village, or by causing the same to be published in a newspaper in said village; an affidavit of such publication, recorded in the manner prescribed in the tenth section of this act, shall be deemed *prima facie* evidence of the fact of such publication.

Notice of. **Proof publication.** **Proceedings on sale.** **Certificate of purchase.** **Conveyance** **Conveyance evidence of regularity.**

Sec. 14. On the day mentioned in said notice, the said treasurer shall commence the sale of said lands, and continue the same from day to day until so much thereof shall be sold as will pay the taxes and assessments as aforesaid, with the interest and charges due, assessed and charged thereon as aforesaid; and the said treasurer shall give to the purchaser or purchasers of any such lands a certificate in writing, describing the lands purchased and the sums paid therefor, and the time when the purchaser will be entitled to a deed for the said lands; and unless, within one year from the date of the sale thereof, there shall be paid to the treasurer, for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with the interest thereon, at the rate of twenty per centum per annum from the date of such certificate, the treasurer or his successor in office shall, at the expiration of said one year, execute to the purchaser, his heirs or assigns, a conveyance of the lands sold, which conveyance shall vest in the person or persons to whom it shall be given an estate in fee simple, except it may appear that the tax or taxes have been paid, subject to all the claims the State shall have thereon; and the said conveyance shall be *prima facie* evidence that the sale was regular, according to the provisions of this act; and every such conveyance executed by the said treasurer, under his hand and seal, witnessed and acknowledged and recorded in the usual form, may be given in evidence in the same manner, and with the like effect, as a deed regularly executed and acknowledged by the owner, and duly recorded, may be given in evidence.

Sec. 15. The treasurer of said village shall receive the same Fees on sale fees, in cases of sales as aforesaid, as are allowed by law to the county treasurer for like services; and the expenses for the advertising of any land for sale in pursuance of this act shall, by the treasurer, be added to such taxes respectively, as are charged upon land and unpaid, in proportion to the amount of such persons' tax as charged and unpaid. Expenses of advertising.

Sec. 16. No money shall be drawn from the treasury except Money, how drawn from treasury. by appropriation of the president and trustees, and orders directing the payment of any and all sums of money shall specify the object and purpose of the same, and the fund from which it is to be paid, and shall be signed by the clerk, and countersigned by the president.

Sec. 17. No member of the board of trustees, during his continuance in office, shall become security for the performance of any official act or duty to be done or performed by any person Members of board of trustees not to become security. elected or appointed to any office under the provisions of this act; and during the time for which he may be elected a member of said board, he shall not be interested, directly or indirectly, in any contract or purchase, the expense or consideration whereof is to be paid out of the village treasury. Not to be interested in contracts

Sec. 18. All moneys assessed and raised for highway purposes shall be kept a fund separate and distinct from the general fund, and no money shall be appropriated or paid from said highway fund except for highway purposes. Highway, fund.

Sec. 19. No officer appointed by the president and trustees shall hold his office for more than one year, or until his successor is appointed; and the president and trustees may require Terms of office. of any of them security, by bond, for the performance of the duties of their respective offices, as shall be thought expedient, which bond shall run to the president and trustees of the village of Otsego, and their successors in office; and a suit may Suit thereon be brought for any breach of said bond, in the name of the president and trustees of said village, as in other cases, before any justice of the peace, or the circuit court of said county,

according to the amount claimed, which courts are hereby authorized to hear, try and determine the same.

Powers and
duties of
marshal.

Sec. 20. The marshal shall have the general supervision of the village, and see that the laws are enforced, and by virtue of his office shall be high constable and chief of the police, with the powers belonging to constables of any township, having power to enter into any disorderly or gaming house, or dwelling house, or any other building where he may have good reason to believe a felon is secreted or harbored, and where any person who has committed a breach of the peace, or where any felony or breach of the peace is being committed, to arrest disorderly persons or felons, and those engaged in unlawful assemblages, and take them before any justice of the peace of the township of Otsego, who shall hear, try and determine the matter upon proof, in a summary way; to compel the citizens to aid in extinguishing fires; to appoint deputies, with powers similar to his own: *Provided*, That nothing in this act shall be construed into his serving processes issued by justices of the peace in civil cases.

Deputies.

Proviso.

Marshal
subject to
supervision
of president
and trustees
Removal of.

Sec. 21. The marshal shall at all times be subject to the supervision and control of the president and trustees in the discharge of his official duties, and he may be removed from office by a majority of their whole number, for any refusal or neglect to comply with their orders or directions, or for any gross neglect in the discharge of other official duties, but the cause of such removal shall in all cases be made a matter of record by them.

Vacancy,
how filled.

Sec. 22. A vacancy in the office of marshal, whether by death, removal from office, resignation, or otherwise, shall be filled for the unexpired term by appointment, to be made by the president and trustees, and any vacancy in the number of trustees shall be filled in the same manner.

Compensa-
tion of mar-
shal.

Sec. 23. The president and trustees shall not receive any compensation for their services; the marshal shall receive such salary as the president and trustees shall prescribe, not exceeding the rate of five hundred dollars for each year, which shall

be a full compensation for all services rendered by him; the clerk and treasurer shall each receive such compensation as the president and trustees shall direct.

Sec. 24. The corporation shall be allowed the use of the Corporation may use common jail of the county of Allegan, for the imprisonment county jail of any person liable to imprisonment under the by-laws or ordinances of said corporation; and all persons so committed to said jail shall be under the charge of the sheriff as in other cases: *Provided*, The county shall in no manner be chargeable *Provide*. with the costs and expenses of such imprisonment in civil cases.

Sec. 25. Each member of the fire department, or an engine, hook and ladder, bucket or hose company, duly organized by the president and trustees, shall be exempt from the poll tax or serving on jury; and the president and trustees may pass such laws as they may deem proper to prevent or extinguish fires, and to annex penalties for the violation thereof, and to compel the assistance of the citizens to aid in extinguishing any fire. Exemption of firemen.

Sec. 26. The president and trustees shall be the commissioners of streets and highways, and within the limits of the village shall have the same power, and perform the same duties, as now by law belong to commissioners of streets and highways in the several townships of the State, and shall appoint one or more overseers of highways, to repair and keep in order the highways, streets and alleys, and shall cause a tax to be levied and collected upon the real and personal property in said village, not exceeding one thousand dollars, nor less than two hundred dollars in any year, and no other highway taxes shall be levied and collected in said village, except that every male inhabitant, above the age of twenty-one years, and under the age of sixty, residing in said village on the first day of April in each year, except paupers, idiots, lunatics, and those excepted in section twenty-five of this act, shall be liable to pay a poll tax of one dollar, to be collected by the marshal; and every person so liable to pay a poll tax, who shall neglect or refuse to pay the same within ten days from the time of demand made by the Street commissioners.
Overseers of highways.
Highway tax, am't of.
Poll tax.
Penalty for non-payment.

List of persons liable to poll tax.

Removal of fences.

Township tax for bridges, etc.

Proceedings when private property is taken for public use.

Notice of.

Summons of jury.

marshal, shall forfeit, to the use of the said corporation, the sum of five dollars, to be recovered in the name of the president and trustees, in an action of debt, before any justice of the peace of the township of Otsego; and the president and trustees shall cause a list to be made and delivered to the marshal, in the month of April in each year, of all persons liable to pay said poll tax; and the president and trustees shall have the exclusive control of the highway money levied and collected in the village: *Provided*, That their power to order fences to be removed, and to remove such fences themselves, and to open, widen and extend streets and highways, shall not be restricted between the first day of April and the first day of November in each year, but they may exercise that power at any time during the year: *And provided also*, That nothing herein contained shall be construed to exempt any person or property within said village from any township tax that may be legally levied within and for the township of Otsego, for the repairing, building or rebuilding of any bridge within said township, or for any special expenditure for the laying out, opening, working or improving any highway of said township, or for any damage for which said township may become liable, by reason of any neglect in keeping any bridge or public highway in proper repair.

Sec. 27. Whenever the lands of any person shall be required to be taken for the constructing, widening or extending streets, lanes, alleys, drains or sewers, within the limits of said village, the president and trustees shall give notice thereof to the owner or parties interested, or his, her, or their agent or representatives, by personal service, or by written notice posted up in three of the most public places in said village, at least three weeks next preceding the meeting of said president and trustees, for any of the purposes aforesaid, and the said president and trustees are hereby authorized to treat with such person or persons for such ground or premises; and if such person or persons shall refuse or neglect to treat for the same, or if the parties cannot agree therefor, it shall and may be lawful for said president and trustees

to direct any justice of the peace of the township of Otsego, to issue a *venire facias*, to command the marshal of said village, or any constable of said county, to summon and return a jury of twelve disinterested freeholders, to be taken without the limits of said village, to appear before him at any time therein to be stated, to inquire into the necessity of using such grounds or premises, and the just compensation to be made therefor to the owner or owners of, or parties interested in, such grounds or premises; which jury, being first duly sworn by said justice, ^{Proceedings of jury.} faithfully and impartially to inquire into the necessity of using such grounds or premises, and the just compensation to be made therefor, and having viewed the premises, if necessary, shall inquire of such necessity, and assess such damages and compensation as they shall judge fit to be awarded to the owner or owners of, or parties interested in, such ground or premises, for their respective losses, according to the several interests or estates therein; and the said justice shall, upon the return of ^{Judgment.} such assessment or verdict, enter judgment therefor, confirming the same; and such sum or sums so assessed, together with all ^{Tender of amount of damages and costs.} costs, shall be paid or legally tendered, before such street, lane or alley, side-walk, drain or sewer, or highway shall be made, opened or established, or altered, to the claimant or claimants thereof. It shall thereupon be lawful for the president and trustees to cause the same grounds or premises to be occupied and used for the purposes aforesaid: *Provided*, That the president and ^{Appeal.} trustees, or any party claiming damages as aforesaid, may have the right to remove such proceedings by appeal to the circuit court, or any other court of competent jurisdiction, upon giving ^{Notice of.} notice of his, her, or their intention so to do, to said justice, in writing, within ten days, or in case of the absence of said party from said village, (at the time of the rendition of the judgment,) then within thirty days after the verdict of said jury, and the judgment of said justice as aforesaid; upon the filing of a transcript of the proceeding aforesaid, duly certified by the said justice, within forty days after the verdict and judgment as aforesaid, in the circuit court, or any other court of record

having appellate jurisdiction, the same proceedings shall be had as is prescribed by law in other cases of appeal: *Provided*, That if final judgment for damages shall not exceed the damages assessed before the justice at least five dollars, then the party appealing shall pay all costs occasioned by such appeal.

Moneys received for licenses to be paid to county treasurer.

Sec. 28. All moneys received for licenses granted to tavern keepers, or common victualers, under the provisions of this act, shall be paid to the county treasurer, as provided in section twenty-six, of chapter thirty-eight, of the revised statutes of eighteen hundred and forty-six.

Public act.

Sec. 29. This act shall be favorably construed and received in all courts, as a public act, and copies thereof, printed under the direction of the Legislature, shall be received as evidence, without further proof.

Qualifications for office.

Sec. 30. No person shall be eligible to any office in this corporation unless he shall have resided in the said corporation six months next preceding his election, and who shall not be entitled to vote therein.

Sec. 31. This act shall take immediate effect.

Approved March 15, 1865.

[No. 181.]

AN ACT making appropriation for the support of the State agricultural college, and to pay the expenses of the State board of agriculture.

Appropriation.

SECTION 1. *The People of the State of Michigan enact*, That there shall be, and is hereby appropriated out of the State treasury, the sum of fifteen thousand dollars for the year one thousand eight hundred and sixty-five, and the sum of fifteen thousand dollars for the year one thousand eight hundred and sixty-six, for the use and support of the State agricultural college, and to pay the expenses of the State board of agriculture, which said moneys shall be expended under the direction and control of the said board so far as may be necessary for

How expended.

the purposes aforesaid, and shall be drawn from the treasury on the presentation of the proper certificates of the said board to the Auditor General, and on his warrant to the State Treasurer; accounts current of all cash transactions, and all dispositions of farm products, together with all moneys received for the board of students, with proper vouchers, shall be rendered by the secretary of said board to the Auditor General quarterly; and no money shall be drawn by virtue of this act by said board without first filing with the Auditor General an estimate and statement showing the purposes for which the money is needed, nor shall the Auditor General draw his warrants except for the purposes for which said money is hereby appropriated. Duty of secretary of the board. Estimates.

Sec. 2. This act shall take immediate effect.

Approved March 15, 1865.

[No. 182.]

AN ACT to provide for the appointment of guardians for married women, in certain cases.

SECTION 1. *The People of the State of Michigan enact, That whenever any married woman, residing in any county of this State, and owning real or personal estate, shall be insane, or mentally incompetent to have the charge of her property, the judge of probate of the same county, when it shall appear to him necessary, may appoint a guardian for such incompetent or insane person, to have the care, custody and management of her property, and may also, for the same purpose, appoint guardians for such married women, being insane or mentally incompetent as aforesaid, as shall reside without this State and have any estate within the same: Provided, That as against the rights of the husband, such guardian shall not be entitled to have the care and custody of the person of the ward.* When judge of probate may appoint guardian.

Sec 2. When application shall be made for the appointment of a guardian for a married woman who is insane, or mentally incompetent to have charge of her property, the proceedings Proceedings upon application for appointment of guardian.

Powers and
duties of
guardian.

upon such application and in the appointment of the guardian, shall be the same in all respects as in the appointment of guardians for other insane persons; and the rights, duties and obligations of such guardian in relation to the care, custody and disposal of the estate of the ward, shall be the same as are provided by law, in cases of guardians appointed by the probate court, for other insane persons.

Notice of
application
to be given
husband.

Sec. 3. Whenever application shall be made by any person other than the husband, for the appointment of a guardian under the provisions of this act, notice thereof shall be given to the husband in such manner as the judge of probate shall direct.

Sec. 4. This act shall take immediate effect.

Approved March 15, 1865.

[No. 183.]

AN ACT authorizing a change in the boundaries of the village of Sturgis, in the county of St. Joseph, and to authorize the common council of said village to organize under the general law for the incorporation of villages.

Change of
boundaries
authorized.

SECTION 1. *The People of the State of Michigan enact, That* the corporation of the village of Sturgis, in the county of St. Joseph, are hereby authorized to alter the boundaries of said village, so as to include within said corporation, section one, and the north half of section twelve, in the township of Sturgis.

Authorized
to organize
under the
general law

Sec. 2. The common council of said village are hereby authorized to organize said village corporation under the general law for the incorporation of villages, and acts amending the same.

First elec-
tion.

Sec. 3. The present officers shall continue to hold their offices until the first Monday in May, eighteen hundred and sixty-five, at which time the first election for officers, according to the general law aforesaid, shall be held annually thereafter on the first Tuesday in March, as required by law.

Sec. 4. Any contracts or agreements that may have been entered into by the common council of said village, shall be binding on the new corporation, and all real and personal property, books and records, and other property held by the present corporation, shall be handed over to their successors when elected and qualified, and shall become the property of the new corporation.

Former contracts binding on new corporation.

Sec. 5. The president and trustees of said village, when organized as hereinbefore provided, shall, at the expense of said corporation, provide a suitable and sufficient station house for the keeping in confinement, any person who shall be arrested for a breach of the peace within the limits of said corporation, or who shall be convicted and sentenced by the police justice of the peace of said village, for a breach of the peace or violation of any by-law or ordinance of the president and trustees of said village: *Provided*, That no person shall be confined therein for more than five days for the same offence.

Station house for offenders

Sec. 6. The marshal shall be the keeper of said station house, and the prison limits shall extend to all places within the boundaries of said corporation.

Marshal to be keeper of station house.

Sec. 7. This act shall take immediate effect.

Approved March 15, 1865.

[No. 184.]

AN ACT to amend act one hundred and sixty-one, of the session laws of eighteen hundred and sixty-three, entitled "an act to provide for the relief, by counties, of the families of volunteers, mustered from this State into the military service of the United States or of this State," approved March nineteenth, eighteen hundred and sixty-three, by adding thereto another section.

SECTION 1. *The People of the State of Michigan enact*, That act one hundred and sixty-one, of the session laws of eighteen hundred and sixty-three, entitled "an act to provide for the relief, by counties, of the families of volunteers, mustered from this State into the military service of the United States

New section.

Powers and
duties of
guardian.

upon such application and in the appointment of the guardian, shall be the same in all respects as in the appointment of guardians for other insane persons; and the rights, duties and obligations of such guardian in relation to the care, custody and disposal of the estate of the ward, shall be the same as are provided by law, in cases of guardians appointed by the probate court, for other insane persons.

Notice of
application
to be given
husband.

Sec. 3. Whenever application shall be made by any person other than the husband, for the appointment of a guardian under the provisions of this act, notice thereof shall be given to the husband in such manner as the judge of probate shall direct.

Sec. 4. This act shall take immediate effect.

Approved March 15, 1865.

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Change of
boundaries
authorized.

SECTION 1. *The People of the State of Michigan enact, That* the corporation of the village of Sturgis, in the county of St. Joseph, are hereby authorized to alter the boundaries of said village, so as to include within said corporation, section one, and the north half of section twelve, in the township of Sturgis.

Authorized
to organize
under the
general law

Sec. 2. The common council of said village are hereby authorized to organize said village corporation under the general law for the incorporation of villages, and acts amending the same.

First elec-
tion.

Sec. 3. The present officers shall continue to hold their offices until the first Monday in May, eighteen hundred and sixty-five, at which time the first election for officers, according to the general law aforesaid, shall be held annually thereafter on the first Tuesday in March, as required by law.

Sec. 4. Any contracts or agreements that may have been entered into by the common council of said village, shall be binding on the new corporation, and all real and personal property, books and records, and other property held by the present corporation, shall be handed over to their successors when elected and qualified, and shall become the property of the new corporation.

Former contracts binding on new corporation.

Sec. 5. The president and trustees of said village, when organized as hereinbefore provided, shall, at the expense of said corporation, provide a suitable and sufficient station house for the keeping in confinement, any person who shall be arrested for a breach of the peace within the limits of said corporation, or who shall be convicted and sentenced by the police justice of the peace of said village, for a breach of the peace or violation of any by-law or ordinance of the president and trustees of said village: *Provided*, That no person shall be confined therein for more than five days for the same offence.

Station house for offenders

Sec. 6. The marshal shall be the keeper of said station house, and the prison limits shall extend to all places within the boundaries of said corporation.

Marshal to be keeper of station house.

Sec. 7. This act shall take immediate effect.

Approved March 15, 1865.

[No. 184.]

AN ACT to amend act one hundred and sixty-one, of the session laws of eighteen hundred and sixty-three, entitled "an act to provide for the relief, by counties, of the families of volunteers, mustered from this State into the military service of the United States or of this State," approved March nineteenth, eighteen hundred and sixty-three, by adding thereto another section.

SECTION 1. *The People of the State of Michigan enact*, That act one hundred and sixty-one, of the session laws of eighteen hundred and sixty-three, entitled "an act to provide for the relief, by counties, of the families of volunteers, mustered from this State into the military service of the United States

New section.

or of this State," approved March nineteenth eighteen hundred and sixty-three, be amended by adding thereto a new section, to stand as section eleven of the act, as follows:

Term of office.

Bonds.

Additional bonds.

Sec. 11. The person so appointed shall hold his office for one year, and the term of his office shall expire and commence on the first Tuesday of May in each year. Before entering upon the duties of his office, such person shall execute a bond with good and sufficient sureties, to be approved by the common council, as required by section twenty-eight, chapter two, of the revised charter of the city of Detroit; and the common council shall from time to time require such additional bonds and sureties as they may deem proper, and any failure to make and execute such bonds, shall vacate said office.

Sec. 2. This act shall take immediate effect.

Approved March 15, 1865.

[No. 185.]

AN ACT to authorize the Lapeer and Port Huron plank road company to discontinue a portion of their road, and for other purposes.

Discontin-
uance au-
thorized.

Company
not to re-
move plank
except
where they
gravel.

Description
of disc-
tinued part
to be re-
corded.

SECTION 1. *The People of the State of Michigan enact*, That the Lapeer and Port Huron plank road company may, by a majority vote of the stock represented at any regular meeting of said company, discontinue any part of their plank road, and also may gravel any part of their said plank road. But nothing in this act contained shall authorize the removal of the plank from any portion of said road by said company, except such portion of the same as they shall gravel; and said company shall not be entitled to receive toll on any part of said road unless the same shall be kept in good, smooth condition for travel.

Sec. 2. In case said company, under the provisions of this act, discontinue any portion of said plank road, the directors of said company shall, within sixty days after discontinuing the same, cause to be recorded in the office of the register of deeds,

in each county, wherein any portion of such road shall be so discontinued, a description of such parts of the said road as shall have been so discontinued: *Provided*, That this act shall ^{Provide.} not in any manner operate to release the said company from any forfeiture heretofore incurred by said company for any act of misfeasance or nonfeasance on the part of said company.

Approved March 15, 1865.

[No. 186.]

AN ACT making an appropriation to pay the arrearages of the Asylum for the Deaf and Dumb and the Blind, for the years eighteen hundred and sixty-three and eighteen hundred and sixty-four.

SECTION 1. *The People of the State of Michigan enact*, That the sum of sixteen thousand dollars be, and the same is hereby ap- ^{Appropriation.} propriated out of the general fund, to pay arrearages on the debts of the Asylum for the Deaf, Dumb and Blind, for the years eighteen hundred and sixty-three and eighteen hundred and sixty-four, and the same shall be passed to the credit of the asylum fund, and shall be drawn on the warrant of the Auditor General, who is hereby authorized to draw his warrant on the ^{How drawn.} State Treasurer, on the presentation of vouchers certified by the board of trustees, for the above amount, as the board of trustees may direct.

Sec. 2. This act shall take immediate effect.

Approved March 15, 1865.

[No. 187.]

AN ACT making appropriations to meet the current expenses of the Reform School, for the years eighteen hundred and sixty-five and eighteen hundred and sixty-six.

SECTION 1. *The People of the State of Michigan enact*, That the sum of twenty-two thousand dollars be, and the same is ^{Appropriation.} hereby appropriated out of the general fund, to meet the current expenses of the State Reform School for the year eighteen

[No. 190.]

AN ACT to amend section four of an act entitled "an act to provide for the preservation of the Muskegon river improvement, and to authorize tolls for the same," approved March sixteenth, eighteen hundred and sixty one.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section four of an act entitled "an act to provide for the preservation of the Muskegon river improvement, and to authorize tolls for the same," approved March sixteenth, eighteen hundred and sixty-one, be amended so as to read as follows:

Vacancies,
how filled.

Sec. 4. In case of a vacancy in the office of commissioner, occasioned by death, resignation, refusal to serve, removal from the State, or from any other cause, such vacancy in said office shall be filled by the Governor, by the appointment of some suitable person thereto.

Sec. 2. This act shall take immediate effect.

Approved March 15, 1865.

[No. 191.]

AN ACT to abolish the office of district attorney of the Upper Peninsula.

Office abol-
ished.

SECTION 1. *The People of the State of Michigan enact*, That the office of district attorney of the Upper Peninsula, be and the same is hereby abolished.

Acts re-
pealed.

Sec. 2. That all acts and parts of acts contravening the provisions of this act, be and the same are hereby repealed.

Sec. 3. This act shall take immediate effect.

Approved March 15, 1865.

[No. 192.]

AN ACT making appropriations for the Michigan asylum for the insane.

Appropri-
ation.

SECTION 1. *The People of the State of Michigan enact*, That the sum of forty thousand dollars for the year eighteen hundred and sixty-six, and the sum of forty thousand dollars for the

year eighteen hundred and sixty-seven, be and the same are hereby appropriated to the Michigan Asylum for the Insane, for the purpose of erecting, finishing and furnishing the north wing of said asylum, which said sums the Auditor General shall add to and incorporate in the State tax for the years eighteen hundred and sixty five and eighteen hundred and sixty-six, and when collected, shall be passed to the credit of the asylum fund, and may be drawn by the treasurer of the asylum for the insane, upon warrants made by the clerk of the board How drawn. of trustees of said asylum, approved by the said board of trustees, and countersigned by the Auditor General.

Sec. 2. It shall be the duty of the clerk of said board of Duty of clerk of board of trustees to render quarter-yearly, to the Auditor General, accounts current of all cash transactions, and all moneys received, with the proper vouchers; and no money shall be drawn by virtue of this act by said board of trustees, unless they shall have first filed with the Auditor General an estimate and state- Estimates. ment showing the purpose for which such money is required, nor shall the Auditor General draw his warrant except for the purposes for which said moneys are appropriated.

Sec. 3. The moneys appropriated in this act, and by act Appropriation for building, how expended. number one hundred and fifty-seven, laws of eighteen hundred and sixty-one, and by act number one hundred and thirty-seven, laws of eighteen hundred and sixty-three, for the purpose of erecting and finishing the north wing of said asylum, shall be expended under the direction of the board of trustees, by a Governor to appoint a building com'r. building commissioner, to be appointed by the Governor, and the Governor is hereby authorized to appoint such commissioner, and shall have full power to remove said commissioner at pleasure. The said commissioner shall receive for Compensation of. his services an amount not exceeding four dollars per day for each day actually and necessarily spent in superintending such work, to be paid by the trustees of said asylum, on the certificate of the board of trustees.

Acts re-
pealed.

Sec. 4. All acts and parts of acts contravening the provisions of this act, are hereby repealed.

Sec. 5. This act shall take immediate effect.

Approved March 15, 1865.

[No. 193.]

AN ACT to authorize either or all of the several townships, cities and villages of the counties of Macomb, Oakland, Livingston, Ingham, Eaton, Barry, Allegan, Van Buren and Berrien, to loan money and pledge their credit, or raise money by tax to aid in the construction of a railroad from Ridgeway, in the county of Macomb, on the Grand Trunk railway, by way of the city of Lansing, to the village of St. Joseph, and from thence to the Indiana State line.

Pledge of
credit and
issue of
bonds au-
thorised.

SECTION 1. *The People of the State of Michigan enact*, That it shall and may be lawful for any of the several townships, cities and incorporated villages within said counties, to pledge the credit of any such municipality, to issue bonds or other securities, to levy taxes and to borrow money to aid any railroad company, organized or to be organized under any law of this State, in the construction of a railroad from Ridgeway, on the Grand Trunk railway, by way of the city of Lansing, to the village of St. Joseph, and from thence to the Indiana State line, for any sum not exceeding ten per centum of the assessed valuation of the property of any such municipality, at any special meeting called for that purpose, as hereinafter directed.

Amount.

Clerk to call
meeting of
electors. 2

Sec. 2. It shall be the duty of the clerk of any of said municipalities, to call a meeting of the taxable property-holding electors thereof, on the written or printed request of fifteen freeholders of his municipality, which request shall specify the amount to be raised, and the mode of raising it, the rate of interest, which shall not exceed seven per cent. per annum, the time of payment, and such other matters as may be deemed for the interest and security of the municipality; and in posting notices according to law, he shall also, with each notice,

post the request upon which the meeting is called. The questions submitted to the electors shall be those contained in the call for the meeting; and those who vote in the affirmative shall vote a ballot on which is written or printed, "aid for railroad—yes;" and those who vote in the negative shall vote a ballot on which is written or printed, "aid for railroad—no." The meeting shall be conducted in the same manner as annual meetings are conducted, and the result shall be certified by the board of inspectors and filed in the office of the clerk.

Questions to be submitted.

Meetings, how conducted.

Sec. 3. If it shall be determined at such meeting to aid in the construction of said road, it shall be the duty of the supervisor and clerk, by the direction of the township board, and president and clerk of the corporated villages, by direction of the trustees, as the case may be, or the mayor and clerk of any city, by the direction of the common council, to loan money, to execute bonds or other sureties, to require sureties from the railroad company, and to do all other acts necessary to comply with such determination; and all moneys or sureties accruing to said township, city or corporated village, under this act, shall be deposited with the treasurer thereof, and held by him until delivered up upon proper authority, or to his successor in office: *Provided*, That the amount of bonds which shall fall due in any one year, shall not exceed two per centum of the assessed valuation of such municipality at the time of issuing the same.

Proceedings in case loan is determined upon.

Moneys to be deposited with treasurer.

Limit of amount to fall due in any one year.

Sec. 4. The township board of any such township authorized by this act, and the proper officers of any such city or incorporated village, shall have power, and it shall be their duty to raise by tax or otherwise, such sum or sums of money as shall be sufficient, from time to time, to pay the principal and interest of said bonds or other obligations, as often as they become due: *Provided*, That no bonds or other evidences of debt, issued under the provisions of this act, shall be sold for less than their par value; nor such bonds or other evidences of debt, or moneys arising from the sale of the same, be delivered or paid over to said railroad company, until the said road shall be finished in good running order, and the cars and rolling stock on the said

Tax for payment of principal and interest

Bonds not to be sold for less than par.

When money, etc., to be paid over

road in actual running condition through the township, city or incorporated village rendering such aid, or through the townships, cities or incorporated villages opposite to, and co-terminus with the municipality so aiding in the construction thereof.

Approved March 15, 1865.

[No. 194.]

AN ACT to amend an act entitled "an act for the re-organization of the military forces of the State of Michigan," approved January eighteenth, eighteen hundred and sixty-two.

SECTION 1. *The People of the State of Michigan enact*, That section twenty-four of an act entitled "an act for the re-organization of the military forces of the State of Michigan," approved January eighteenth, eighteen hundred and sixty-two, be so amended as to read as follows:

Sec. 24. The Quartermaster General shall be appointed in the same manner as the Adjutant General and Inspector General, and hold his office for the term of two years, or until his successor is appointed and qualified, unless sooner removed for misconduct, or in case of the vacation of his office by resignation, duly accepted. Before entering upon the duties of said office, and within twenty days after receiving official notice of his appointment, he shall take and subscribe the constitutional oath of office, and he shall give bonds to the State, with at least two sureties, to be approved by the commander-in-chief, in the penal sum of fifty thousand dollars, conditioned faithfully to discharge the duties of his office; to use all necessary diligence and care in the safe keeping of military stores, and other military property of the State committed to his custody; to account for the same, and deliver over to his successor, or to any other person authorized to receive the same, all such stores and property, which bond shall, within the aforesaid twenty days, be deposited, together with said oath, by said Quartermaster General, with the Secretary of State, who shall file and preserve the same in his office; he shall have charge of all pub-

lic magazines, store-houses, arsenals, munitions of war and other military property of the State, and account for the same on the first day of December in each year, to the commander-in-chief.

Sec. 2. This act shall take immediate effect.

Approved March 15, 1865.

[No. 195.]

AN ACT to amend sections twenty-nine, thirty-four and forty-one, of chapter one hundred and fifty-two, of the compiled laws, relative to actions of replevin.

SECTION 1. *The People of the State of Michigan enact, That* sections twenty-nine, thirty-four and forty-one, of chapter one hundred and fifty-two, of the compiled laws, be and the same are hereby amended so as to read as follows:

(5033) Sec. 29. When either of the parties to an action of replevin, at the time of the commencement of the suit, shall have only a lien upon, or special property or part ownership in, the goods and chattels described in the writ, and is not the general owner thereof, that fact may be proved on the trial, or on the assessment of value, or on the assessment of damages, in all cases arising under this chapter; and the finding of the jury, or court, as the case may be, shall be according to such fact, and the court shall thereupon render such judgment as shall be just between the parties.

(5038.) Sec. 34. Whenever the defendant shall be entitled to a return of the property replevied, instead of taking judgment for such return, as above provided, he may take judgment for the value of the property replevied, in which case such value shall be assessed on the trial, or upon the assessment of damages, as the case may be, subject to the provisions of section twenty-nine of this chapter.

(5045.) Sec. 41. In any action, prosecuted on such bond given by the plaintiff in an action of replevin, for the deliverance of any property, the defendants may show, in mitigation

of the damages, that the obligee in such bond had only a lien upon, or special property, or part ownership in said property at the time of commencement of suit in replevin, and that the defendants, or either of them, had at the same time a part ownership or other valuable interest in said property; and if such lien, special property, part ownership, or other interest of said obligee, with interest thereon, amount to less than the value of the property replevied, a corresponding reduction shall be made from such value.

Approved March 15, 1865.

[No. 196.]

AN ACT to authorize the city of Owosso to raise by tax, money for the purpose of improving and fencing the grounds of the Shiawassee county agricultural association, and erecting thereon a building for its use, at said city of Owosso.

SECTION 1. *The People of the State of Michigan enact,* That the common council of the city of Owosso, may raise by tax, levied upon the real and personal property within said city, such sum of money as they may deem proper, not exceeding one thousand dollars, for the purpose of fencing and improving the grounds, and erecting thereon a building, for the use of the Shiawassee county agricultural association, in said city. The said sum or any part thereof, may be raised at such time or times, as said common council may determine. In levying and collecting the same, the provisions of an act entitled "an act to incorporate the city of Owosso," approved February fifteenth, eighteen hundred and fifty-nine, shall apply in the same manner as they apply to the taxes authorized to be raised in section eighty-nine, of said act.

Sec. 2. This act shall take immediate effect.

Approved March 15, 1865.

[No. 197.]

AN ACT making an appropriation for the support of the Michigan Asylum for the Deaf and Dumb, and the Blind, at Flint, and furnishing certain portions of the buildings thereof.

SECTION 1. *The People of the State of Michigan enact*, That the sum of seventeen thousand dollars, for supporting the Asylum for the Deaf, Dumb and the Blind, at Flint, during the year eighteen hundred and sixty-five, and the further sum of seventeen thousand dollars, for supporting the asylum for the year eighteen hundred and sixty-six, be and are hereby appropriated out of the general fund, and the same shall be passed to the credit of said asylum fund, on the books of the State Treasurer, for the respective years above mentioned, and drawn upon warrants made by the board of trustees, and countersigned by the Auditor General. Accounts current of all cash transactions, and of all moneys received, with proper vouchers, shall be rendered by the secretary of said board to the Auditor General quarter-yearly; and no money shall be drawn by virtue of this act by said board, without first filing with the Auditor General an estimate and statement, showing the purposes for which the money is needed, nor shall the Auditor General draw his warrant except for the purposes for which said moneys are hereby appropriated.

Sec. 2. For the purpose of furnishing the said asylum with beds, bedding, furniture, &c., the sum of three thousand dollars for the year eighteen hundred and sixty-five, is hereby appropriated out of the general fund, and the same shall be passed to the credit of said asylum fund, and may be drawn in the manner above specified.

Sec. 3. This act shall take immediate effect.

Approved March 15, 1865.

[No. 198.]

AN ACT to amend sections three and four of an act entitled "an act to establish and regulate a mining school in the Upper Peninsula," being act number two hundred and seven, of the session laws of eighteen hundred and sixty-one, approved March fifteenth, eighteen hundred and sixty-one.

Sections amended. SECTION 1. *The People of the State of Michigan enact, That* sections three and four of said act, be and the same are hereby amended so as to read as follows:

Trustees, election of. Sec. 3. At the election to be held on the first Monday of April, in the year one thousand eight hundred and sixty-five, in said Upper Peninsula, six trustees shall be elected by the electors of said Upper Peninsula, three from the county of Houghton, one from the county of Marquette, one from the county of Keweenaw, and one from the county of Ontonagon, two of whom shall be elected for a term of two years, two for a term of four years, and two for a term of six years; and the ballots cast for said trustees shall designate the term for which each trustee is to be elected. Their terms of office shall commence on the first day of July next succeeding their election, and shall continue for the period for which they shall be so elected; every two years after the first election aforesaid, two trustees shall be elected in like manner, to replace those whose terms are about to expire. Such election shall be noticed, conducted and canvassed, certified and recorded, and the result thereof notified and transmitted, as near as may be, in conformity with the laws now applicable to the election of circuit judge for the Upper Peninsula.

Term of.

Commencement and end of term.

Election, how conducted.

Section amended. Sec. 2. Section four of this act, is hereby amended so as to read as follows:

Meetings of trustees. Sec. 4. The said trustees shall hold their first meeting at the village of Houghton, on the second Monday of July, in the year one thousand eight hundred and sixty-five, and may adjourn the same as they see fit. Meetings may be called subsequently, at such place and time, as any two members of the board, by notice served personally or sent by mail two weeks

previous thereto, or in such other manner as said trustees may direct, and all meetings may be lawfully adjourned at their pleasure. Four trustees shall form a quorum for business, and any two may hold a meeting open by adjournment, from time to time, not more than two weeks in all: *Provided*, A quorum shall not be present at the time appointed for such meeting. At the first meeting, or as soon thereafter as may be, the said trustees shall elect one of their number president, who shall hold his office until the expiration of the shortest term of office of any trustee then in office, and whose powers shall be defined and regulated by the trustees. In case of the neglect or inability of such trustees to elect a president, for the period of thirty days after the time of the first meeting, when a president might have been elected, it shall be the duty of the judge of the twelfth judicial circuit to designate one of said trustees as president for the ensuing two years. The trustees shall also appoint, from time to time, a treasurer, who shall, before entering upon his duties of his office, give bonds to the people of this State, to be deposited with said trustees, in such sum, (not less than twice the amount of money likely to come into his hands,) and with such sureties as shall be fixed and directed by the trustees, and a secretary, out of their own number, or otherwise, and such other officers and assistants as they may see fit, whose powers and duties shall also be regulated by them, but subject to the provision, that no money shall be paid out, nor any contract be made, or act done, involving the payment of money, or the disposal of property, except in pursuance of a vote of the trustees: *Provided*, That in case of failure, by reason of want of time, after the passage of this act, to hold such election at the time prescribed by this act, then it shall be the duty of the board of supervisors of the several counties of the Upper Peninsula, to order without unnecessary delay, a special election for the election of said trustees.

Sec. 3. This act shall take immediate effect.

Approved March 15, 1865.

- odd fellows, having been duly chartered by the grand lodge, desirous to become incorporated, may make and execute articles of association, specifying as provided in section two, of this act, and file a copy of the same with the clerk of the county in which such corporation shall be formed, which shall be recorded by such clerk, in a book to be kept in his office for that purpose; and thereupon the persons who shall have signed said articles of association, their associates and successors shall be a body politic and corporate, by the name expressed in such articles of association, and by that name they and their successors shall have succession, and shall be persons in the law capable to purchase, hold, enjoy, grant, sell, give, lease and demise, real and personal estate; of suing and being sued, and may have a common seal, and change and alter the same at pleasure; and a certified copy of the record of such articles of association, under the seal of the county where the said record is kept, shall be received as prima facie evidence in all courts of this State of the existence and due incorporation of such corporation:
- Limitation.** *Provided*, Said corporation shall be limited to the powers and provisions of section three of this act, regarding real and personal estate, and the proceeds thereof, under the rules and regulations of the grand lodge, and may elect or appoint from among its members such officers, under such name and style, as shall be in accordance with its constitution.
- Erection of halls, etc.** **Sec. 7.** Any corporation formed in pursuance of this act, may erect and own such suitable edifice, buidings or hall, as to such corporation shall seem proper, with convenient rooms for the meetings of the fraternity of odd fellows; and for that purpose may create a capital stock of not more than fifty thousand dollars, to be divided into shares of not more than twenty-five
- Cemeteries.** dollars each; and any such corporation may take, purchase, hold and own such suitable lot or parcel of ground as may be convenient, for the purpose of a cemetery, and may make all lawful rules and regulations for the disposition of lots, and the burial of the dead therein, as to such corporation may seem proper.

Sec. 8. Any grand encampment of the independent order of odd fellows of the State of Michigan, and any subordinate encampment thereof, having been duly chartered, may be incorporated in like manner as grand and subordinate lodges of the independent order of odd fellows, and enjoy the same powers and privileges and benefits, under the provisions of this act. Incorporation of grand encampments.

Sec. 9. All corporations formed under this act, shall be subject to the provisions of chapter seventy-three, of the compiled laws of this State, so far as the same may be applicable to corporations formed under this act; and the Legislature may alter or amend this act at any time. Corporations subject to provisions of former act.

Sec. 10. This act shall take immediate effect.

Approved March 15, 1865.

[No. 200.]

AN ACT to amend certain sections of an act entitled "an act to incorporate the city of Flint," approved February thirtieth, eighteen hundred and fifty-five.

SECTION 1. *The People of the State of Michigan enact, That* section four of an "act to incorporate the city of Flint," be amended so as to read as follows: Section amended.

Sec. 4. The following officers shall be chosen in and for said city, to wit: one mayor, one recorder, who shall be ex-officio school inspector, one treasurer, who shall be ex-officio collector, two school inspectors and four justices of the peace, who shall be elected in the following manner, to wit: the mayor, recorder and treasurer shall be elected annually, and shall hold their offices for one year, and until their successors shall be elected and qualified. There shall be elected annually, one school inspector for the term of two years, and until his successor shall be elected and qualified. There shall be elected annually, one justice of the peace, who shall hold his office for four years, and until his successor shall be elected and qualified. The justices of the peace shall have like powers, and be subject to the same duties and liabilities as justices of the peace in the several townships of this State. City officers. Terms of School inspector. Justices of the peace.

Section
amended.

Sec. 2. That section five of said act be amended so as to read as follows:

Supervisors

Sec. 5. There shall also be elected at the same time, in and for each of the wards in said city, one supervisor, who shall be

Constable.

ex-officio assessor for his ward, and one constable, who shall

Aldermen.

hold their offices for one year, and one alderman who shall hold his office for two years, and until their successors shall be elected and qualified.

Section
amended.

Sec. 3. That section nine of said act be amended so as to read as follows:

Officers to
be appointed

Sec. 9. The common council shall have power to appoint an attorney and marshal for the city, a street commissioner for each ward, who shall be a resident thereof, a chief engineer of the fire department, and such other officers, whose election is not herein provided for, as they may deem necessary to carry into effect the powers granted by this act, and to remove the same at pleasure. They shall also have power to remove the treasurer for any violation of the ordinances of the common council; and in case of a vacancy in any city or ward office, the common council shall, as soon as may be, appoint an officer to fill such vacancy for the unexpired portion of the year; and all officers so appointed shall be notified and qualified as herein directed: *Provided*, That the common council may at any time order a special election to fill a vacancy in any office which is elective under this act.

Removal of
treasurer.

Treasurer.

Special
election.

Section
amended.

Sec. 4. That section twenty-two of said act be amended so as to read as follows:

Duties of
street com-
missioners.

Sec. 22. The street commissioners of the several wards, and such other officers as the common council may direct and appoint, shall, under the direction of the common council, superintend the making, grading, paving, repairing and opening of all streets, lanes, alleys, bridges and side-walks within the limits of their respective wards, in such manner as he or they may from time to time be directed. The common council shall have power to cause the expense of making, grading, paving and opening streets, lanes and alleys, of grading and paving or

Expense of
grading,
etc., how
paid.

planking side-walks, of making drains and sewers, and other local improvements, to be assessed in whole or in part against the owners or occupants of the lots or premises, in front of or adjoining which such improvements may be ordered, or by general tax in whole or in part, as they may deem just and proper. And the common council shall have power to make ^{Levy and collection of street taxes.} all by-laws and ordinances relative to the mode of assessing, levying and collecting such taxes, and they may, by such by-laws and ordinances, provide that the real estate assessed for such improvements may be sold or leased for a term of years, to pay such assessment. The street commissioners of the sev- ^{Commis- sioners to collect.} eral wards shall collect all street taxes assessed in their respective wards, and make return of delinquent street taxes for their respective wards to the supervisor, in the same manner and with like effect, as returns of delinquent highway taxes by overseers of highways in townships; and each street commis- ^{Bond of commis- sioner.} sioner shall give a bond in such penalty, and with such surety as the common council may prescribe and direct, conditioned for the faithful performance of his duties as such street commissioner, and for the accounting for and paying over all such moneys as shall come into his hands by virtue of his said office; and each street commissioner shall receive as compensation for ^{Compensa- tion of.} his services, such sum as the common council may direct, not exceeding one dollar and fifty cents for each day during which he shall be actually employed in the performance of his duties as such street commissioner: *Provided*, That no street commis- ^{Proviso.} sioner shall receive more than sixty dollars in any one year for services so rendered.

Sec. 5. That section twenty-nine of said act be amended so ^{Section amended.} as to read as follows:

Sec. 29. The common council shall have authority to assess, ^{Levy and collection of taxes.} levy and collect taxes on all real and personal estate, taxable in said city, which taxes shall be and remain a lien upon the ^{Taxes a lien.} property so taxed until the same shall be paid: *Provided*, That ^{Limitation of amount of tax.} they shall not raise by general tax more than two thousand dollars in any one year, exclusive of school taxes, and taxes for

Highway
taxes

highway and street purposes, unless authorized thereto by a vote of the property tax-payers of said city, who are electors, when convened for that purpose pursuant to previous notice: *Provided further*, That the common council shall have power to assess, levy and cause to be collected in each ward respectively, such amount as street or highway taxes as they may think proper; but all such taxes shall be expended in the ward in which they may be collected.

Section
amended.

Sec. 6. That section thirty-six of said act be amended so as to read as follows:

Compensa-
tion of off-
cers.

Sec 36. The officers of said corporation shall be entitled to receive out of the city treasury the following sums in payment for their services: The recorder and attorney shall be entitled to receive respectively such sum as the common council shall allow, not exceeding fifty dollars per annum; the marshal shall be entitled to receive the same fees for serving process in behalf of the corporation as constables are allowed by law for similar services, and he shall also receive such further compensation, not exceeding one hundred dollars per annum, as the common council may allow; the treasurer and collector, justices of the peace, supervisors and constables, shall be allowed the same fees as are by law allowed to corresponding township officers; school inspectors, and all other officers of said city except aldermen, shall be entitled to receive such compensation as the common council shall allow, not exceeding one dollar per day for the time spent in the performance of the duties of their respective offices.

Sec. 7. This act shall take effect on the first day of April next.
Approved March 15, 1865.

[No. 201.]

AN ACT to legalize the action of the several townships of the county of Kalamazoo, in raising bounties for volunteers.

SECTION 1. *The People of the State of Michigan enact*, That whenever any township in the county of Kalamazoo, in this State, has voted, or may hereafter vote, money, or raised a tax,
Tax and is-
sue of bonds
legalized.

or hired money, or issued bonds for the purpose of paying bounties for volunteers in the military service of the United States, such action shall be deemed legal and valid, and the money or tax so voted, raised or hired, shall be paid in the same manner as other charges for ordinary expenses are paid.

Sec. 2. The qualified electors in any township in said county may determine, by a vote by ballot, at the annual township meeting, or at any subsequent legal meeting, in the year eighteen hundred and sixty-five, six days notice being given of the vote for said tax to be voted upon, by the posting of such notice in at least three public places in such township, which notice is hereby required to be given by the township clerk of the several townships in said county, that such sums paid, advanced or pledged, by any individual, or by the inhabitants of such township, as a bounty or bounties to volunteers enlisted and mustered into the military service of the United States, on the two last calls of the President of the United States, and any sum that the qualified electors thereof may determine shall be raised to be paid as a bounty or bounties to volunteers enlisted as aforesaid, may be allowed and paid as claims against said township, but the whole amount of such allowance shall not in any case exceed the sum of three hundred dollars for each person enlisted and mustered as aforesaid; and it shall be the duty of the township clerk of said townships to ascertain prior to any such meeting, as near as may be, the sums to be so authorized to be raised, and submit the same at the opening of the polls to the electors, and keep the same during the meeting open for their inspection.

Amounts heretofore paid may be allowed and paid.

Limitation.

Sec. 3. Those voting for the allowance and payment of such claims as mentioned in the preceding section, shall have written or printed upon their ballots, "for refunding the bounty," and those voting against such allowance shall have written or printed upon their ballots, "against refunding the bounty;" and the ballots shall be received, disposed of and canvassed, and the result declared, by the board of canvassers of election, in the

Form of ballot.

Manner of conducting elections.

Township
board to
audit and
allow claims

same manner as is by law provided for receiving and canvassing the votes, and declaring the result at the annual township election. It shall be the duty of the township board of any township of said county, which shall have voted in favor of allowing and paying the claims mentioned in this section, to audit and allow all claims which may be presented for that purpose, in proportion to the whole amount to be raised, for money actually paid as aforesaid, which allowance shall be made in the same manner as other ordinary claims are audited and allowed.

Duty of
township
clerk.

Sec. 4. It shall be the duty of the township clerks of the several townships of said county, on or before the first Monday in October, in the year eighteen hundred and sixty-five, to certify to the supervisor of their respective townships the amount of indebtedness of his said township, growing out of the payment of bounties to volunteers, as herein provided, in the same manner as is now by law his duty to report as to incidental expenses of his township; and it shall be the duty of such supervisor to incorporate said amount in the assessment roll for said township, as part of the incidental expenses of such township, and the treasurer of such township is authorized and required to collect and pay over such amount at the same time and in the same manner as other taxes are by law required to be collected and paid over.

Of super-
visor.

Of treasurer

Sec. 5. This act shall take immediate effect.

Approved March 16, 1865.

[No. 202.]

AN ACT to amend section six of an act entitled "an act supplementary to an act to amend an act entitled an act to authorize the formation of corporations for mining, smelting or manufacturing purposes," approved February sixth, eighteen hundred and fifty-five.

Section
amended.

SECTION 1. *The People of the State of Michigan enact, That section six of an act, being section eighteen hundred and thirty of the compiled laws, is hereby amended so as to read as follows:*

(1830.) Sec. 6. Any company organized under the act to ^{Increase of capital and shares authorized.} which this is supplementary, may at any time, by a vote of two-thirds in interest of its stockholders, increase its capital, not to exceed one million dollars, and the shares of its capital stock to fifty dollars each; but nothing in this act shall be construed ^{Limitation.} to give any company organized under said act a right to increase its number of shares to a greater number than twenty thousand; and upon a like vote of its stockholders, any com- ^{Capital may be diminished.} pany may at any time diminish the amount of its capital stock to any amount which may be deemed sufficient and proper for the purposes of the corporation, and the number of shares and price per share may be diminished in the same ratio; and at ^{Issue of new certificates of stock.} such meeting, its stockholders shall have power to make all necessary provisions for calling in the old scrip and issuing new certificates of stock: *Provided, however,* Nothing herein ^{Proviso.} contained shall in any way operate to discharge said company who may diminish its capital stock, from any obligation or demand that may be due from said company.

Approved March 16, 1865.

[No. 203.]

AN ACT to change the name of Edgar C. Yates to Edgar C. Dibble.

SECTION 1. *The People of the State of Michigan enact, That* the name of Edgar C. Yates, of the city of Detroit, be and his ^{Name changed.} name is hereby changed to Edgar C. Dibble.

Approved March 16, 1865.

[No. 204.]

AN ACT authorizing the State Librarian to sell or dispose of certain books or public documents.

SECTION 1. *The People of the State of Michigan enact, That the* State Librarian is hereby authorized to dispose of, by sale, ^{Sale of books authorized.} under direction of, and at prices established by the Board

of State Auditors, any surplus books or public documents now on hand, or which may hereafter be printed by direction of the Legislature, or at the expense of the State, and placed under the care or control of said Librarian.

Money received for to be paid into State treasury.

Sec. 2. All moneys received by said State Librarian on account of the sale of any such books or public documents, shall be paid into the State treasury quarterly, and the amount thereof, with the number and kind of books or documents thus sold, shall be embraced in his annual report to the Legislature.

Sec. 3. This act shall take immediate effect.

Approved March 16, 1865.

[No. 205.]

AN ACT to provide for a tax upon dogs.

SECTION 1. *The People of the State of Michigan enact, That* in all the townships and wards of the cities of this State, there shall be annually levied and collected the following tax upon dogs: upon every male dog over two months old, owned or kept by any one person or family, one dollar; upon every female dog, owned or kept by any one person or family, three dollars.

Tax authorized.

Amount.

Assessor to make list of persons that own dogs.

Sec. 2. The assessor of every township or ward, at the time of making his annual assessment, shall inquire and ascertain the number of dogs liable to be taxed, and shall enter in lists, to be made by him, the name of every person in his respective township or ward owning or keeping any dog subject to the above tax, the number kept by such person, and the amount of tax to be paid by him.

Duplicate list.

Tax, how collected.

Sec. 3. The assessor of every township and ward shall, on or before the fifteenth day of May in each year, make out a duplicate of the lists made by him, as provided in the preceding section, and file the same with the township or city clerk of their respective townships or cities; said taxes, as provided for in the preceding sections of this act, shall be assessed to, and collected from, such persons as shall be liable for the same, in the same

manner as other township and city taxes are assessed and collected:

Sec. 4. The collector to whom such tax roll shall be delivered, shall proceed and collect the sums of money therein specified, in the same manner and with like authority, in all respects, as in the collection of taxes imposed by the board of supervisors of the county, and shall, after deducting the commission allowed by this act, retain the remainder in the township or city treasury, subject to the order of the district officers of the several primary school districts of his respective township or city, and the same remedies to compel such collection and the payment over of the money, may be had against such collectors and their sureties, as in the case of a tax levied by the board of supervisors.

Collector to collect tax.

Money, how disposed of.

Sec. 5. The collectors shall be allowed to retain a commission of four per cent. upon all sums of money collected by them, under the provisions of this act, and shall make and deliver a correct statement, and account for the amount of money so collected to the township board of their respective townships, and to the city treasurer of cities, at the time of making their annual settlements with said boards and treasurers.

Collection commission.

Sec. 6. If any person assessed for any such dog, shall refuse or neglect to pay the tax so assessed, for ten days after the demand thereof, it shall be lawful for any person to kill the dog so taxed.

If tax is not paid dog may be killed.

Sec. 7. The moneys so collected shall be apportioned among the several primary school districts of the respective townships or cities, at the same time and in the same manner, and for the same purposes, as other primary school funds are distributed.

Apportionment of money raised by tax.

Sec. 8. Any township or city officers who shall willfully neglect or refuse to perform any of the duties imposed upon him by this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars, nor more than one hundred dollars for each offense.

Penalty for neglect of officers.

Person har-
boring dog
deemed
owner.

Sec. 9. Every person in possession of any dog, or who shall suffer any dog to remain about his house for the space of twenty days previous to the assessment of a tax, or previous to any injury, chasing or worrying of sheep, shall be deemed the owner of such dog, for all purposes of this act: *Provided*, That this act shall not apply to the Upper Peninsula, nor to any county where sheep are not kept.

Proviso.

Act repeal'd

Sec. 10. Act number two hundred and ten, of session laws of eighteen hundred and sixty-three, entitled "an act to protect the owners of sheep from damages done by dogs," and approved March twentieth, eighteen hundred and sixty-three, is hereby repealed, and all moneys collected under the provisions of that act, shall be returned by the Auditor General to the counties from which they arose, and the county treasurers of such counties shall return such money to the townships or cities from which it came; and the clerk of such townships or cities shall apportion the same among the several school districts in his township or city, in the same manner as the primary school money is apportioned.

Sec. 11. This act shall take immediate effect.

Approved March 16, 1865.

[No. 206.]

AN ACT for the acceptance of the donation of public lands, made by an act of Congress, approved June twentieth, eighteen hundred and sixty-four, for the construction of certain wagon roads, for military and postal purposes, and to provide for the construction of the same.

Grant ac-
cepted.

SECTION 1. *The People of the State of Michigan enact*, That the grant of land to the State of Michigan, made by an act of Congress, entitled "an act granting lands to the State of Michigan, for the construction of certain wagon roads for military and postal purposes," approved June twentieth, A. D. eighteen hundred and sixty-four, be and the same is hereby accepted, in accordance with and subject to all the conditions and provisions in said act contained.

Sec. 2. The commissioners appointed by the Governor, for the construction of each of the roads from Saginaw City to the Straits of Mackinaw, and from Grand Rapids to said Straits of Mackinaw, are authorized and empowered to employ an engineer and such assistants on each of said roads as may be necessary, and shall locate and survey the said roads, and prepare maps and plans, showing the location of the lines of said roads, in accordance with said act of Congress. Whenever the lines of said roads shall have been definitely established and located by said commissioners, they shall transmit a map, (showing such location,) to the Governor, who shall thereupon transmit the same to the Secretary of the Interior.

Sec. 3. The said commissioners are authorized and empowered to make all necessary contracts for the construction of said wagon roads, in accordance with the specifications of said act contained, and to receive proposals therefor; and in making contracts therefor, shall require good and ample security for the performance thereof, and no contract shall take effect until it shall have been approved by the Governor.

Sec. 4. The commissioners shall be entitled to receive for their services the sum of four dollars each per day by them actually employed, and necessary traveling expenses, the same to be audited and allowed by the Board of State Auditors, and shall be paid out of the State treasury, upon the warrant of the Auditor General. The commissioners shall have power to employ such engineers and assistants as shall be necessary to survey and locate said roads, who shall be paid out of the State treasury, from time to time, upon the account being certified to be correct by said commissioners, upon the warrant of the Auditor General. The cost of locating said roads, and all expenses incidental to the supervision of the survey, construction and completion of said roads, shall be reimbursed by the contractor or contractors of said roads, as fast as ascertained, and shall be paid by them into the State treasury, under the direction of said commissioners.

Military
road lands

Sec. 5. Whenever, and so often as patents are issued to the State, for the lands granted by said act of Congress for the construction of the roads named in section two, it shall be the duty of the Commissioner of the State Land Office to designate and mark upon the books and plats in his office said lands as military road lands.

Certificates
of purchase.

Sec. 6. Upon presentation of certificates, duly verified by the oaths of the said commissioners, and approved by the Governor, stating that the contract entitling the holder of such certificates to land has been duly performed according to the provisions of said act of Congress, it shall be the duty of the Commissioner of the State Land Office to issue his certificate of purchase to such contractor or contractors, or such person or persons as he or they may designate, for the land to which he or they are entitled, under his or their contract with said commissioner; and upon presentation of said certificate of the Commissioner of the State Land Office, it shall be the duty of the Secretary of State to issue to the owner or owners thereof patents for said land, as in other cases: *Provided*, That such contractor or contractors shall produce to such Commissioner of the State Land Office the certificate of the State Treasurer, showing that such contractor or contractors has paid into the State treasury a proportion of the moneys advanced for laying out, surveying, and other expenses on said roads, as provided in section four of this act, in the proportion which the distance built by such contractor or contractors bears to the length of the whole line of said road.

Patents.

Proviso.

Right of
way.

Sec. 7. The right of way through any lands belonging to this State, upon and over which either of said roads may be located, in accordance with said act of Congress, shall be and the same is hereby granted.

Proceedings
when pri-
vate prop-
erty is taken
for road.

Sec. 8. Whenever the line of said roads, or either of them, shall have been definitely located by said commissioners, and shall be in whole or in part, upon and over enclosed and improved lands, the right of way over which shall not be voluntarily granted, it shall be the duty of the commissioners in

charge of such road, to apply to the judge of the judicial district within which such lands may be located, for the appointment of three commissioners to appraise and determine the damages which each of the owners of such lands shall sustain by the appropriation of the right of way for such road over their respective lands, notice of which application shall be given by the publication of a notice in a newspaper published once in each week for three successive weeks, in each of the counties within which said lands may be located, if any such newspaper shall be published therein, and if no such newspaper shall be published in any of said counties, then in such adjoining county upon the line of said road as shall be nearest said lands; which notice shall specify the time and place of making such application, and describe by sections or subdivision of sections, the lands upon or over which said road is located, and for which such damages are to be appraised and determined. At the time and place specified in such notice for the making and hearing of such application, or at such other time and place as said hearing shall for cause be adjourned to, not exceeding four weeks, it shall be the duty of the judge of the judicial circuit, specified therein, and he is hereby authorized and required to appoint three suitable and disinterested persons as commissioners, for the appraisal and determination of all claims for damages to lands within such judicial district, the right of way over which shall be appropriated for said road. The order appointing said commissioners, or a copy thereof, shall within thirty days thereafter, and before any appraisal and determination of damages shall be made by such commissioners, be filed in the office of the county clerk of each of the counties within which any of the lands shall be located, the damages to which are to be determined by said commissioners. Any and all vacancies in the office of said commissioners, may be supplied and filled by the judge of the circuit wherein the original appointment was made, as from time to time may become necessary.

Application
for appointment
of
commissioners
to appraise
damages.

Notice of.

Contents of
notice.

Judge to appoint
appraisers.

Order of appointment
to be filed
with county
clerk.

Vacancies,
how filled.

Notice of
claims for
damages to
be filed with
county clerk

Commis-
sioners to
examine
premises.

Appraisal of
damages.

Oath of com-
missioners.

Damages,
how as-
sessed and
collected.

Sec. 9. It shall be the duty of all persons claiming damages for right of way over their respective lands for said roads or either of them, to file in the office of the clerk of their respective townships, within thirty days after the appointment of said commissioners, a written notice of their several claims for damages, by reason of such appropriation of right of way, specifying therein the lands, on account of which such damages are claimed, and the items and amount thereof; and it shall be the duty of said commissioners, as soon as may be practicable after the expiration of said thirty days, personally to examine the lands and premises on account of which such damages are claimed, and hear and determine such claims, and to file in the office of the clerks of the respective townships, a statement in writing, of their appraisal and determination of said claims, and of the items and amounts allowed upon each of said claims in such township. Before proceeding to such examination and hearing of claims, said commissioners shall be severally sworn, well and truly to examine, hear and determine such claims according to the best of their ability, and the damages appraised and determined by said commissioners in the several townships, together with the compensation and expenses of said commissioners, shall be assessed and collected in the manner provided for by section nine, of chapter twenty-two of compiled laws; and the commissioners in charge of the construction of such road shall, upon the filing of said determination and appraisal, give to the owners the notice, and be vested with the powers specified in section eighteen, of said chapter twenty-two.

Sec. 10. This act shall take immediate effect.

Approved March 16, 1865..

[No. 207.]

AN ACT to amend section fourteen hundred and sixty-eight, in chapter forty, of the compiled laws, it being section three, of chapter two, title nine, part one, of the revised statutes of eighteen hundred and thirty-eight, relative to the election of superintendents of the poor.

SECTION 1. *The People of the State of Michigan enact, That* section fourteen hundred and sixty-eight, of chapter forty, of the compiled laws, being section three, of chapter two, title nine, part one, of the revised statutes of eighteen hundred and thirty-eight, be amended so as to read as follows:

Section amended.

Sec. 3. It shall be the duty of the board of supervisors of counties which make a distinction between township and county poor, or in the county of Wayne the board of county auditors, at their annual meeting in the year eighteen hundred and sixty-five, to appoint three discreet electors, who shall be freeholders of such county, to be superintendents of the poor within the same; one for the term of one year, one for the term of two years, and one for the term of three years, each to hold his office until another shall be appointed in his place, and duly qualified; and at their annual session in each year thereafter, they shall appoint one for the term of three years, and until his successor is chosen and qualified; and such superintendents shall take the oath of office prescribed in the eighteenth article of the constitution, and file the same with the county clerk.

Appointment of superintendent of the poor.

Terms of.

Oath of.

Approved March 16, 1865.

[No. 208.]

AN ACT to amend an act entitled an act to authorize the counties of Jackson and Eaton, and the cities and townships of such counties, and of Barry and Kent, the townships of Onondaga and Leslie, in Ingham county, and Leighton and Wayland, in Allegan county, to pledge their credit in aid of the construction of a railroad from Jackson to Grand Rapids, being act number sixty-seven, of session laws of eighteen hundred and sixty-four.

Sections
amended.

SECTION. 1. *The People of the State of Michigan enact, That* sections one and ten of an act entitled "an act to authorize the counties of Jackson and Eaton, and the cities and townships of such counties, and of Barry and Kent, the townships of Onondaga and Leslie, in Ingham county, and Leighton and Wayland, in Allegan county, to pledge their credit in aid of the construction of a railroad from Jackson to Grand Rapids," be and the same are hereby amended so as to read as follows:

Loan au-
thorized.

SECTION 1. *The People of the State of Michigan enact, That* it shall and may be lawful for the several counties of Jackson and Eaton, for any city or township within such counties, or within the counties of Barry or Kent, for the townships of Onondaga and Leslie, in Ingham county, and for the townships of Leighton and Wayland, in Allegan county, to loan money to any railroad company, organized or to be organized, for the construction of a railroad from the city of Jackson to the city of Grand Rapids; but the outstanding indebtedness and liability to be incurred for such purpose, shall not at any time exceed five per centum of the assessed valuation for the time being, of any county, city or township: *Provided, That* no more than seventy-five thousand dollars shall be raised or loaned by the county of Eaton, exclusive of any township loans made therein to aid in the construction on said railroad.

Limitation

Proviso.

Tax to pay
interest.

Sec. 10. It shall be the duty of the proper authorities of each county, city and township, which shall avail itself of the provisions of this act, to levy and collect annually, such taxes as together with the dividends arising from, will pay the in-

terest on the outstanding bonds and other incidental charges and liabilities connected therewith. In the case of a loan to a railroad company sufficient taxes shall be annually collected to pay the interest which shall not be promptly paid by the railroad company. Provision shall also be made for the payment of the principal sums which may grow due on such bonds, and for that purpose the proper authorities of each county, city and township, availing itself of the provisions of this act, shall also have power to levy and collect in advance of such bonds becoming due, by an annual tax not exceeding ten per centum per annum of the principal sums unpaid on such outstanding bonds, to be paid into a sinking fund, and invested in the purchase of such outstanding bonds, or otherwise in such manner and under such rules and regulations as may be adopted by the proper authorities. The said cities are hereby severally authorized to levy and collect the said taxes in addition to those authorized by their charters: *Provided*, No bonds or other evidences of debt issued under the provisions of this act shall be negotiated or delivered to the treasurer of any county, township, city or village, for any railroad company, or said bonds or other evidences of debt, or moneys arising from the sale of the same, be delivered or paid over to said railroad company until the ties shall be delivered on the line of said road, and the road bed thereof, including all bridges, culverts, cattle-guards and road crossings, shall be fully completed and ready for the iron, within the limits of the municipalities rendering such aid, or within the limits of the municipalities opposite to and co-terminus with the municipalities so aiding in the construction thereof. But in case of aid rendered by a county, the board of supervisors may provide for the delivery of one-half of the bonds upon the completion of one-half or some larger proportion of such work in said county.

Payment of
principal.

Sinking fund

Tax, how
collected.

When bonds
delivered.

Aid rendered
by counties,
when
to be paid.

Sec. 2. This act shall take immediate effect.

Approved March 16, 1865.

[No. 209.]

AN ACT to punish the recruiting of men for the volunteer service of other States.

Recruiting for other States in this State prohibited.

What considered *prima facie* evidence of no recruiting.

Penalty.

SECTION 1. *The People of the State of Michigan enact*, That it shall not be lawful for any person [to] willfully and maliciously aid, with the design of preventing a resident of this State from being credited to the township or ward where he actually resides, to persuade or induce, or attempt to persuade or induce any resident of this State to enlist in the military or naval forces of the United States for the purpose of being credited on the quota of any other State, or to persuade any such resident to depart from this State for the purpose of being so enlisted and credited. And it shall be *prima facie* evidence of the guilt of said person, when complained of, informed against, or indicted under this act, if it is proved upon the prosecution of the complaint, information or indictment, that he persuaded or induced, or attempted to persuade or induce said resident to enlist or to leave this State to enlist in any regiment, company, or in any body of men being raised, or already raised in any other State for the military or naval service of the United States. Any person offending against this act shall, upon conviction, be punished by a fine not to exceed one thousand dollars, or by imprisonment in the county jail not to exceed one year, or by both said fine and imprisonment, in the discretion of the court.

Sec. 2. This act shall take immediate effect.

Approved March 16, 1865.

[No. 210.]

AN ACT to provide for the levying and collecting of taxes for the maintenance of free schools in the city of Detroit.

Estimates of expenses to be made.

SECTION 1. *The People of the State of Michigan enact*, That it shall be the duty of "the board of education of the city of Detroit," to annually make an estimate of the amount of taxes deemed necessary for the ensuing or then current year, for all

purposes of expenditure within the powers of said board, which estimate shall specify the amounts required for the different objects of expense, as particularly as may be, including the teachers' salaries, purchase of lots, buildings, repairs, fuel and general current expenses.

Sec. 2. When said estimate shall have been so made, it shall be the duty of the president of said board, to communicate the same to the common council of said city; and it shall be the duty of said common council to assess and levy the amount of said estimate, and cause the same to be collected and paid over to said board of education for the purposes of the free schools of said city under their jurisdiction: *Provided*, That if the amount of such estimate shall exceed in any one year, a sum equal to three dollars for each child in said city, according to the last report of the school census of said city, on file in the office of the clerk of the county of Wayne, or in the office of the secretary of said board of education, and certified by the president thereof, then and in that case, as to so much of said aggregate estimate as exceeds the amount of three dollars for each child as aforesaid, if the said common council approve, the whole or any part thereof, they shall cause the said excess, or so much thereof as they approve, which shall not however, exceed said three dollars per child by more than the sum of twenty-five thousand dollars, to be submitted to the approval of the citizens of said city at the meeting required by law, to be held for the approval of such annual taxes voted by said council, as require such approval of a citizens' meeting; and if such excess be submitted over and above said sum, equal to three dollars per child, and not being more than twenty-five thousand dollars beyond said sum, shall be approved by said citizens' meeting, then the total amount of such tax for school purposes for such year, shall be a sum equal to three dollars per child as aforesaid, together with the additional amount so approved by said common council and by said citizens' meeting, otherwise it shall be so much of said estimate as shall not exceed three dollars per child aforesaid, and no more.

Estimates to be communicated to common council. Levy and collection of

When estimate exceeds \$3 per child, surplus to be submitted to approval of citizens.

Acts re-
pealed.

Sec. 3. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

Sec. 4. This act shall take immediate effect.

Approved March 16, 1865.

[No. 211.]

AN ACT to prevent fishing with seines, and pound or trap nets in the small inland lakes and streams in the State of Michigan.

SECTION 1. *The People of the State of Michigan enact, That* it shall not be lawful hereafter to fish with seines, trap nets, pound nets, or any species of continuous nets, in any of the inland lakes, or small streams of all the territory, according to the United States survey, north of the township line numbered twenty north.

Penalty for
offending.

Sec. 2. Any person offending against the provisions of this act shall, on conviction thereof, be liable to a fine of not over one hundred dollars, or imprisonment in the county jail not over sixty days, to be determined by a court of competent jurisdiction.

Approved March 16, 1865.

[No. 212.]

AN ACT to provide for the drainage and reclamation of swamp lands, by means of a State road and ditches, from Nunica, in Ottawa county, to Muskegon, in Muskegon county, to be known as the Nunica and Muskegon State road.

Construc-
tion of road
authorized.

SECTION 1. *The People of the State of Michigan enact, That* there shall be laid out and established, by a commissioner to be appointed by the Governor, upon the most eligible route, between Nunica, in Ottawa county, to Muskegon, in Muskegon county, to be known as the Nunica and Muskegon State road.

Constructed
under the
provisions
of former
acts.

Sec. 2. Said road to be laid out and constructed under the provisions of act number one hundred and seventeen, of the session laws of eighteen hundred and fifty-nine, approved

February twelfth, eighteen hundred and fifty-nine, and the acts amendatory thereto.

Sec. 3. To secure the construction of said road, there is hereby appropriated an average amount of six hundred and forty acres of swamp land per mile, to be selected within the limits of Ottawa and Muskegon counties, to be expended under the provisions of said act, and the acts amendatory thereto.

Approved March 16, 1865.

[No. 213.]

AN ACT to lay out and establish a State road in the Upper Peninsula, to be known as the Winona and Franklin State road, and to provide for the construction of the same.

SECTION 1. *The People of the State of Michigan enact*, That there shall be laid out and established in the counties of Houghton and Ontonagon, in the Upper Peninsula, a road to be known as the Winona and Franklin State road, by a commissioner, to be appointed by the Governor, which shall commence at a point on the mineral range road, near the Winona mine, and to run from thence in a northerly direction, on the most eligible route that said commissioner may select, to the village of Franklin, at the mouth of Misery river.

Sec. 2. To secure the construction of said road there is hereby appropriated an amount of State swamp lands in the Upper Peninsula, equal to two sections of six hundred and forty acres each for every mile of said road, to be selected from any of the State swamp lands in the counties of Houghton and Ontonagon, in proportion to the number of miles in each county, not otherwise appropriated or selected by the State, and that said road shall be laid out and constructed under the provisions of act number one hundred and seventeen, of the laws of eighteen hundred and fifty-nine, and the acts amendatory thereof.

Approved March 16, 1865.

[No. 214.]

AN ACT to revise the charter of the city of Ypsilanti.

SECTION 1. *The People of the State of Michigan enact, That*
Boundaries. so much of the township of Ypsilanti, in the county of Washtenaw, as is included in the following description, to wit: Beginning on the north bank of the Huron river, on the line between sections four and five, in said township, thence south to the north-east corner of lot number eight, of the subdivision of said section five; thence west to the north-west corner of lot number six, in said subdivision; thence south to French claim six hundred and eighty (680;) thence east to the Huron river; thence down the west bank of said river to the south-east corner of the west half of the north-west fractional quarter of section fifteen, in said township; thence north to the north line of the south-west quarter of section three, in said township; thence west to the east line of River street; thence northerly on the east line of said street, to the north line of Highland cemetery, protracted east; thence west to the north-west quarter of section four; thence south to the south-east corner of said quarter section; thence west to the north bank of the Huron river; thence up the said river to the place of beginning, be and the same is hereby set off from the said township of Ypsilanti, and declared to be a city by the name of "the city of Ypsilanti," by which name it shall hereafter be known.

Name.

Body, corporate.

Legal powers of.

Common seal.

Sec. 2. The freemen of said city, from time to time, being inhabitants thereof, shall be and continue a body corporate and politic, to be known and distinguished by the name and title of the city of Ypsilanti, and shall be and are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended in all courts of law and equity, and in all other places whatever; and may have a common seal, which they may alter and change at pleasure, and by the same name shall be and are hereby made capable of purchasing, holding, conveying and disposing of any real or personal estate for said city.

Sec. 3. The said city shall be divided into five wards, to wit: Wards.
 the first ward shall embrace all that portion of said city in-First ward.
 cluded within the following boundaries, namely: beginning at
 the Huron river on the south line of Congress street, thence
 westerly along the south line of Congress street to the west
 line of said city, thence south to the south line of said city,
 thence east to the Huron river, thence up said river to the
 place of beginning. The second ward shall embrace all that Second ward
 territory included within the following boundaries: beginning
 at the north-east corner of said first ward, thence west along
 the north line of said first ward to the west line of said city,
 thence north to the north line of the Ann Arbor road, thence
 east along the north line of the Ann Arbor road and Ellis
 street, projected eastwardly, to the Huron river, thence down
 said river to the place of beginning. The third ward shall em-Third ward.
 brace all that territory lying on the west side of the Huron
 river and north of the said second ward. The fourth ward Fourth
 shall embrace all that territory north of a line drawn from the ward.
 Huron river along the north line of Cross street to the east
 line of said city and east of the Huron river. The fifth ward Fifth ward.
 shall embrace all that territory lying east of the Huron river
 and south of said fourth ward.

Sec. 4. The inhabitants of the said city, being electors under Who to be
 the constitution of the State of Michigan, and no others, are electors.
 declared to be electors under this act, and qualified to vote at
 the elections held by virtue of this act; and each person offer- Challenge of
 ing to vote at any such election, if challenged by an elector of vote.
 said city, before his vote shall be received, shall take one of the Oath of per-
 oaths now provided by the laws of this State, approved June son chal-
 twenty-seventh, eighteen hundred and fifty-one, entitled an act lenged.
 to provide for holding general and special elections, which oath
 shall be administered to him by one of the inspectors of elec-
 tion; and if any person shall swear falsely, upon conviction Penalty for
 thereof, he shall be liable to the pains and penalties of perjury; ing.
 but the common council of said city are hereby authorized and
 empowered to provide by general ordinance, from time to time,

Common council may change form of oath. to so change the form of the oath or oaths to be administered to such elector, (if challenged,) as to conform to the constitution and laws of the State which may from time to time be in force.

Opening and closing of polls. Sec. 5. On the day of election held by virtue of this act, the polls shall be opened in each ward, at the several places designated by the common council, at eight o'clock in the morning, and shall be kept open without intermission or adjournment, until four o'clock in the afternoon, at which hour they shall be finally closed.

Board of inspectors. Sec. 6. The two aldermen of each ward shall constitute the board of inspectors of election, and such one of their number as they shall appoint shall be their chairman; said board shall also appoint two competent persons to be clerks of election; each of said persons so appointed shall take the constitutional oath of office, to be administered by either inspector of said board, who are hereby authorized to administer the same.

Inspectors. Sec. 7. Inspectors of election, as specified in the preceding section, shall be inspectors of election held in said wards respectively, as well for the election of State, district and county, as for the city and ward officers.

Proceedings when inspectors are absent. Sec. 8. At any election held under this act, if from any cause either or all the inspectors of election shall fail to attend any such election, at the appointed time and place, his or their place may be supplied for the time being by the electors present, who shall elect any of their number *viva voce*, who, when so elected, shall be duly sworn by an officer authorized to administer oaths, to a faithful performance of their duties.

Annual election. Sec. 9. An election shall be held in each ward annually, on the first Monday in April, at such place as the common council shall appoint, by posting notices of the holding of said election in at least three of the most public places in each ward, at least six days previous to said election.

City officers. Sec. 10. There shall be elected annually, by the qualified electors of the whole city, voting in their own wards, one mayor and one clerk, to hold their offices for the term of one

year. There shall also be elected annually, in the first, second Supervisors and third wards, (which wards shall constitute the first judicial district,) one supervisor and one constable, to hold their respective offices for the term of one year; and also, there shall Justices of the peace. be elected every fourth year, one justice of the peace, to hold his office for the term of four years. There shall also be elected annually, in the fourth and fifth wards, (which wards shall constitute the second judicial district,) one supervisor and one constable, to hold their respective offices for the term of one year; and there shall also be elected every fourth year, one justice of the peace, to hold his office for the term of four years. There shall also be elected annually, in each ward, by the elec- Aldermen. tors thereof, one alderman, to hold their offices for the term of two years.

Sec. 11. The person receiving the greatest number of votes Whodeemed elected. for any office in said city, district or ward, shall be deemed to have been duly elected to such office; and if any officer except Proceedings in case of a tie. alderman, shall not have been chosen by reason of two or more candidates having received an equal number of votes, the common council shall, by ballot, elect such officer from the two candidates having the highest number of votes.

Sec. 12. Whenever a vacancy occurs in the office of alder- Vacancies in office of alderman to be filled by special election. man, by his refusal or neglect to take the oath of office within the time required by this act, by his resignation, death, ceasing to be an inhabitant of the city or ward for which he shall have been elected, removal from office, or by the decision of a competent tribunal declaring void his election, or for any other cause, the common council of said city shall immediately appoint a special election to be held in the ward for which such officer was chosen, at some suitable place therein, not less than five nor more than fifteen days from the time of such appointment: *Provided*, That *Provided*. in case any such vacancy shall occur in the said office of alderman, within three months before the first Monday of April in any year, it shall be optional with the common council to order a special election or not.

Vacancies
in elective
offices may
be filled by
common
council.

Sec. 13. In case a vacancy shall occur in any of the offices in this act declared to be elective or appointive, except aldermen, the common council may in their discretion, fill such vacancy, by the appointment of a suitable person, who is an elector, and if appointed for a district or ward, who is also a resident of the ward or district for which he shall be appointed; and any officer appointed to fill a vacancy, if the office is elective, shall hold by virtue of such appointment, only until the first Monday of May next succeeding.

Term of.

Election
notices.

Sec. 14. Whenever a special election is to be held, the common council shall cause to be delivered to the inspectors of election in the ward or district where such officer is to be chosen, a notice, signed by the clerk, specifying the officer to be chosen, and the day and place at which such election is to be held; and the proceedings at such election shall be the same as at the annual or general election; such notice shall also be published in a newspaper of the city, at least once before the day of such special election.

To be pub-
lished.

Electors
to vote by
ballot.

Sec. 15. The electors shall vote by ballot, and each person offering to vote shall deliver his ballot, so folded as to conceal its contents, to one of the inspectors, in the presence of the board; the ballot shall be a paper ticket, which shall contain, written or printed, or partly written and partly printed, the names of the person for whom the elector intends to vote, and shall designate the office to which each person so named is intended by him to be chosen; but no ballot shall contain a greater number of names of persons, designated for any office, than there are persons to be chosen at the election to fill such office.

Form of bal-
lot.

Contents of
ballot.

Sec. 16. The ballot shall contain the name of persons designated as officers for the city, and as officers for a district and ward.

Terms of
office to be
designated
on ballot.

Sec. 17. If at any annual election to be held in said city, there shall be one or more vacancies to be supplied in any office, and at the same time any person is to be elected for the

full term of said office, the term for which each person voted for, for the said office, shall be designated on the ballot.

Sec. 18. It shall be the duty of the inspectors of election, on receiving the vote, as specified in section fourteen, to cause the same, without being opened or inspected, to be deposited in the proper box provided by the common council for that purpose; the said board shall also write down, or cause to be written down, the name of each elector voting at such election, in a poll list to be kept by said inspectors of election, or under their direction.

Sec. 19. Immediately after the closing of the polls, the inspectors of election shall, without adjournment, publicly canvass the votes received by them, and declare the result; and shall, on the same or on the next day, make a certificate stating the number of votes given for each person for each office, and shall file such statement and certificate on the day of election, or on the next day, with the clerk of the city.

Sec. 20. The manner of canvassing said votes shall be as follows: The inspectors shall proceed to count the ballots, unopened, and if the number of ballots so counted, shall exceed the number of names of electors contained in the poll list, one of the inspectors shall draw out and destroy as many as the number of ballots exceeds the number of electors contained in said poll list; and if two or more ballots are found rolled or folded up together, they shall not be counted; they shall then proceed to count and estimate said votes as provided in the preceding section.

Sec. 21. All officers elected as herein provided shall enter upon the duties of their respective offices on the first Monday of May next following such election, unless otherwise herein provided. The supervisors of said city shall enter upon the duties of their office immediately after election, and upon filing their oath of office with the city clerk. The common council for the preceding year shall convene on the Thursday next succeeding each annual election, at two o'clock in the afternoon, at their usual place of meeting, and shall determine and

**Certificate
of election.**

certify, in the manner provided by law, what persons are duly elected at the said election to the several offices respectively. Such certificate shall be made in duplicate, one of which shall be filed with the clerk of the city, and the other with the clerk of the county of Washtenaw.

**Clerk to no-
tify persons
elected.**

Sec. 22. It shall be the duty of the clerk of said city, as soon as practicable, and within five days after the meeting of the common council, as provided in the preceding section, to notify the officers respectively of their election; and the said officers so elected and notified as aforesaid, shall within ten days after such notice, take the oath of office prescribed by the constitution of this State, and file the same with the clerk of said city.

**Oath of
office.**

**Officers to
be appoint-
ed by com-
mon council**

Sec. 23. The officers of said city to be appointed by common council shall be one treasurer, one deputy clerk, (to be nominated by the clerk,) one marshal, one deputy marshal, (to be nominated by the marshal,) and watchmen not to exceed one for each ward, one health physician, two fire wardens, (one for each judicial district,) common criers, pound masters, inspectors of firewood, weighmasters and auctioneers, as the common council shall from time to time direct, and such other officers as may be necessary to carry into effect the powers granted by this act, whose powers and duties, other than those defined in this act, shall be such as shall be prescribed by ordinance of the common council.

**Powers and
duties of.**

**Persons eli-
gible to
office.**

Sec. 24. No person shall be eligible to either of said offices unless he shall then be an elector and resident of said city, nor shall he be eligible to any office for any ward or district unless he shall then be an elector and resident of such ward or district; and when any officer elected or appointed for any ward or district shall cease to reside in said city, or if elected or appointed for any ward or district, shall cease to reside in such ward or district, his office shall thereby become vacant

**Notice of
acceptance.**

Sec. 25. Every person chosen or appointed by the common council, before he enters upon the duties of his office, and within five days after being notified of his appointment, shall cause

to be filed in the office of the city clerk a notice in writing, signifying his acceptance of such office.

Sec. 26. If any person elected or appointed under this act shall not take and subscribe the oath of office, and file the same as herein directed, or shall not cause a notice of acceptance to be filed as herein directed, or if required by the common council to execute an official bond or undertaking, shall neglect to execute and file the same, in the same manner and within the time prescribed by the common council, such neglect shall be deemed a refusal to serve, unless before any step is taken to fill any such office by another incumbent, such oath shall be taken or such acceptance be signified as aforesaid.

Neglect to qualify to vacate office

Sec. 27. At the expiration of twenty days after any election or appointment of any officer or officers in the city, the clerk of the said city shall deliver to the common council a list of the persons elected or appointed, and of the office to which they are chosen, therein specifying such as shall have filed with him the oath of office or notice of acceptance required by this act, and such as shall have omitted to file the same within the time herein prescribed.

Clerk to deliver to common council a list of officers.

Sec. 28. The clerk shall report to the common council the names of such officers as shall have neglected to give the bond and security required by the provisions of this act.

Clerk to report names of those who have neglected to qualify.

Sec. 29. Resignations by any officers authorized to be chosen or appointed by this act, shall be made to the common council, subject to their approval.

Resignation

Sec. 30. At all city elections every elector shall vote in the ward where he shall have resided ten days next preceding the day of election, otherwise he may vote in the ward from which he removed: *Provided*, He shall have resided in such ward ten days next prior to such removal. The residence of an elector under this act shall be the ward where he takes his regular meals.

Where electors to vote.

Sec. 31. The expenses of any election to be held as provided by this act, shall be city charged, and defrayed in the same manner as the other contingent expenses of the city.

Expense of election a city charge.

Terms of
office.

Sec. 32. Any person elected or appointed to any office under this act, shall continue to hold the same until his successor shall be elected or appointed and qualified; and when a person is elected to fill a vacancy in any elective office, he shall hold the same only during the unexpired portion of the regular term limited to such office, and until his successor shall be elected and qualified.

Mayor to
preside at
meetings of
council.

Sec. 33. The mayor, when present, shall preside at the meetings of the common council, and in his absence, the common council shall appoint one of their number, who shall preside.

Ordinances,
when to
take effect.

Sec. 34. No ordinance or resolution passed by the common council, shall have any force or effect for one week, unless sooner approved by the mayor, if, on the day of its passage, or on the next day thereafter, the mayor or other officer legally discharging the duties of mayor, shall lodge in the office of the city clerk a notice in writing suspending for one week the operation of such ordinance or resolution. If the mayor, or other officer legally exercising the office of mayor, shall, within one week after the passage of such ordinance or resolution, lodge in the office of the city clerk his reasons, in writing, why the same should not go into effect, the same shall not go into effect unless it shall, at a subsequent meeting of the common council, be passed by a majority of two-thirds of all the members of the common council then in office, exclusive of the mayor, or other officer legally discharging the duties of mayor; and if so re-passed, shall go into effect according to the terms thereof.

Veto.

May be
passed over
veto.

Clerk to
communi-
cate vetoes,
etc.

Sec. 35. It shall be the duty of the city clerk to communicate to the common council, at their next meeting, any paper that may be lodged with him pursuant to the last preceding section.

Each mem-
ber to have
one vote.

Sec. 36. In the proceedings of the common council each member present shall have one vote, except the mayor or officer discharging the duties of mayor.

Duties of
mayor.

Sec. 37. It shall be the duty of the mayor to take care that the laws of the State, and the ordinances of the common council, be faithfully executed; to exercise a constant super-

vision and control over the official conduct of all subordinate officers, and to receive and examine into all complaints against them for neglect of duty; to recommend to the common council such measures as he shall deem expedient, to expedite such as shall be resolved upon by them, and in general, to maintain the peace and good order, and advance the prosperity of the city.

Sec. 38. The mayor and aldermen, by virtue of their respective offices, shall be conservators of the public peace, and as such shall each have and exercise all the power and authority of justices of the peace in criminal cases, and in enforcing the laws of this State relating to the police thereof.

Judicial powers of mayor and aldermen.

Sec. 39. The mayor and aldermen of said city shall constitute the common council. They shall meet at such times and places as they shall from time to time appoint; and on special occasions, whenever the mayor, or person officiating as mayor, shall, by written notice, appoint, and which shall be served on the members in such manner and for such time as the common council may by ordinance direct.

Common council, meetings of.

Sec. 40. The city clerk shall be the sealer of weights and measures of the said city, and shall perform all the duties of township clerk, so far as the same applies to the sealing of weights and measures; and the laws of this State relating to the sealing of weights and measures shall apply to the said city.

Duties of clerk.

Sec. 41. The sittings of the common council shall be public, except when the public interests shall in their opinion, require secrecy. The minutes of the proceedings shall be kept by the clerk, and the same shall be open at all times for public inspection.

Sittings of council to be public.

Minutes of meeting.

Sec. 42. The clerk shall keep the corporate seal, and all the papers and files belonging to said city, not properly by this act in the custody of some other officer thereof, and shall make a record of the proceedings of the common council, whose meetings it shall be his duty to attend; and copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the common council, certified to by him under

Clerk to keep records, etc.

To counter-
sign li-
censes.

the corporate seal, shall be evidence in all places, when produced, of the matters therein contained; he shall countersign all licenses granted for any purpose whatever by the mayor or common council, and shall enter in an appropriate book, the name of every person to whom a license shall be granted, and the number of such license, and the date thereof, and the time during which it is to be continued in force, and the sum paid for such license. No license for any purpose granted shall be valid until thus countersigned by the clerk.

Ordinances
to be pub-
lished.

Sec. 43. The clerk shall publish at least one week in a newspaper printed in the city, all the ordinances of the common council, for the violation of which any penalty may be imposed; and all votes, ordinances and resolutions directing the payment of money, shall be published at least once, in like manner, within eight days after the passage of such vote, ordinance or resolution; he shall also perform such other duties as this act may direct, or which may be directed by ordinance of the common council.

Duties of
treasurer.

Sec. 44. The treasurer shall receive all moneys belonging to the city, and shall deposit and keep the same as directed by the common council, and shall keep an account of all receipts and expenditures in such manner as the common council shall direct; all moneys drawn from the treasury shall be drawn in pursuance of an order of the common council, by warrant signed by the clerk, and countersigned by the mayor; such warrant shall specify for what purpose the amount named therein is to be paid; and the clerk shall keep an accurate account under appropriate heads, of all expenditures, of all orders drawn upon the treasury, in a check book, to be kept by him for that purpose. The books and accounts of the treasurer shall, at reasonable hours, be open to the inspection of any elector of said city. The treasurer shall exhibit to the common council, at the last regular meeting in the month of April, a full and fair account of the receipts and expenditures after the date of the last annual report, and also the state of the treasury, which

Moneys,
how drawn
from the
treasury.

Books and
accounts of
treasurer to
be open.
Annual re-
port of
treasurer.

account shall be referred to the committee for examination, and if found to be correct, shall be filed.

Sec. 45. No money shall be drawn from the city treasury unless it shall have been previously appropriated to the purpose for which it shall be drawn. Moneys not to be drawn until as appropriated.

Sec. 46. The treasurer shall, quarterly, make report of the finances of said city, showing what appropriations and payments have been made out of each of the several funds of said city, since his last preceding report, and of the state of each of said funds. Quarterly report of treasurer.

Sec. 47. All official bonds of said city shall be deposited with the clerk of the city for safe keeping, and it shall be his duty to deliver the same to his successor in office. Official bonds to be filed with clerk.

Sec. 48. It shall be the duty of every alderman in said city to attend the regular and special meetings of the common council; to act upon committees when thereunto appointed by the mayor or common council; to order the arrest of all persons violating the laws of this State, or the ordinances, by-laws, or police regulations of said city; to report to the mayor all subordinate officers who are guilty of any official misconduct or neglect of duty; to maintain peace and good order, and to perform all other duties required of them by this act. Duties of aldermen.

Sec. 49. A majority of the aldermen elect shall be a quorum for the transaction of business, but a less number may adjourn from time to time; but no tax or assessment shall be ordered, nor any appointment be made, except by a concurring vote of a majority of all the members of the common council; and the council shall prescribe rules for its proceedings. Quorum of common council.

Sec. 50. It shall be the duty of the city clerk, on or before the first Monday of October, in each year, to certify to the proper supervisor the amount to be raised for local improvements, and the property and persons liable to be taxed therefor; and it shall be the duty of the supervisor to levy the same upon the property and persons described in such notice, in addition to the general taxes. Clerk to certify amount of improvement tax. Levy thereof.

Council to
determine
amount of
city tax.

Sec. 51. It shall be the duty of the common council of said city, on or before the last Saturday preceding the first day of October in each year, to determine by resolution the amount necessary to be raised by tax for city purposes within said city

Clerk to cer-
tify amount
to supervi-
sor.

Apportion-
ment of.

for such year; and it shall be the duty of the city clerk to certify the amount so to be raised to the supervisors of said city, on or before the first Monday in October in each year; and it is hereby made the duty of the supervisors to apportion the same to the two judicial districts, as equalized by the board of supervisors for such year; and it is hereby made the duty of the supervisors of said city to levy the sum so apportioned, and such other taxes as may be required by law, upon the taxable property of such city, in the same manner as taxes for township purposes are required by law to be levied by the supervisors of the townships of this State.

Levy.

Taxes a lien.

Sec. 52. The taxes so levied for city purposes and local improvements shall be and remain a lien upon the property on which the same was levied, in the same cases, to the same extent, and in like manner as taxes required by law to be levied on property in the several townships of this State, are liens upon such property; and all provisions of law respecting the return and sale of property for the non-payment of taxes for State, county and township purposes, shall apply to the return and sale of property for the non-payment of such city or local improvement taxes, except as herein otherwise provided.

Return and
sale for non-
payment.

Proceeds of
sales for
non-pay-
ment of tax-
es.

Sec. 53. The net proceeds of the sales of all property, delinquent for non-payment of city taxes, shall be paid to the treasurer of said city, by the treasurer of the county of Washtenaw, whenever required by the city treasurer; and the net proceeds of all sums paid to the treasurer of the county of Washtenaw, before sale on account of property within said city, returned delinquent for non-payment of city taxes, shall in like manner be paid to said city treasurer.

Oath of jus-
tice of the
peace.

Sec. 54. The justices of the peace of said city shall file their oaths of offices in the office of the clerk of the county of Washtenaw, and shall have, in addition to the jurisdiction conferred

by this act on them, the same jurisdiction, powers and duties ^{Jurisdiction of.} conferred on justices of the peace in townships: *And provided further,* That all actions within the jurisdiction of justices of the peace, may be commenced and prosecuted in said justices' courts when the plaintiff or defendant, or one of the plaintiffs or defendants resides in a township next adjoining the township of Ypsilanti, or in the townships of York, Saline or Salem.

Sec. 55. It shall be the duty of the justices of the peace of said city to attend to all complaints of a criminal nature which ^{Justices to attend to complaints of a criminal nature.} may properly come before them, and they shall receive for their services, when engaged in cases for the violation of the ordinances of said city, such fees as the common council shall by ordinance prescribe

Sec. 56. All fines, penalties or forfeitures recovered before ^{Ferries, etc. to be paid into city treasury.} any of said justices, for violation of any city ordinance, shall, when collected, be paid into the city treasury; and each of ^{Reports of justices.} said justices shall report quarterly, on oath, to the common council, at a regular meeting thereof, the number and name of every person against whom judgment shall have been rendered for such fine, penalty or forfeiture, and all moneys by him received for or on account thereof, which moneys so received, or which may be in his hands, collected on such fine, penalty or forfeiture, shall be paid into the said city treasury quarterly during the time such justice shall exercise the duties of said office; and for any neglect in this particular he may be sus- ^{Removal for neglect.} pended or removed as hereinafter provided.

Sec. 57. In addition to the security now required by law to ^{Bond of justices.} be given by said justices of the peace, each of said justices shall, before entering upon the duties of his office, execute a bond to the city of Ypsilanti, with one or more sufficient sureties, to be approved by the mayor or clerk of said city, which approval shall be endorsed on said bond in the penalty of one thousand dollars, conditioned for the faithful performance of his duties as a police justice of said city, and to pay over the moneys so collected, and make his report as in this act re-

quired, which bond shall be filed in the office of the clerk of said city.

Quarterly
accounts of
justices of
unclaimed
property.

Sec. 58. It shall be the duty of each justice of the peace, at the first regular meeting of the common council in each of the months of August, November, February and May, in every year, to account on oath, before the common council, for all such moneys, goods, wares and merchandise seized as stolen property, as shall then remain unclaimed in the offices of either of said justices of the peace, and immediately to give notice for four weeks, in one of the public newspapers printed in said city, to all persons interested or claiming such prop-

Notice of

Sale of per-
ishable un-
claimed
property.

erty: *Provided always*, That if any goods, wares, merchandise, or chattels of a perishable nature, or which shall be expensive to keep, shall at any time remain unclaimed in the offices of either of said justices, it shall be lawful for the city marshal, under the direction of the city attorney, to sell the same at public auction, at such time, and after such notice, as to such attorney shall seem proper.

Delivery of
property to
owners.

Sec. 59. It shall be the duty of each of the justices of the peace aforesaid, who may recover or obtain possession of any stolen property, on his receiving satisfactory proof of property from the owner, to deliver such property to the owner thereof, on his paying all necessary and reasonable expenses which may have been incurred in the recovery, preservation or sustenance of such property, and the expenses of advertising the same.

Sale of un-
claimed
property.

Sec. 60. It shall be the duty of each of the justices of the peace aforesaid to notify the city attorney, whose duty it shall be to cause all property unclaimed in the hands of such justice, after the expiration of the notice specified in the last preceding section but one of this act, money excepted, to be sold at public auction to the highest bidder, unless the prosecuting attorney of the county of Washtenaw shall direct that it shall remain unsold for a longer period, to be used as evidence in the administration of justice, and the proceeds thereof forthwith to pay to the treasurer of the said city, together with

all money, if any, which shall remain in his hands after such notice as aforesaid, first deducting the charges of said sale.

Sec. 61. The jurisdiction of the justices' court of said city shall extend to, and said court shall have original jurisdiction, and shall have power to hear, try and determine all civil actions arising in said city, wherein said city in its corporate capacity shall be a party, or any city or ward officer, in his official capacity, shall be a party; all charges, complaints, actions and prosecutions for the recovery of any and all forfeitures and penalties for alleged violations or infringements of the acts of the Legislature of this State incorporating said city, except in cases where jurisdiction is especially given to some other court; all actions for alleged breaches or violations of any of the by-laws or ordinances of said city, except in cases where, by such by-law or ordinance, jurisdiction is especially given to some other court, and all actions for encroachments upon or injury to any of the streets, lanes, alleys, bridges, parks, or other public improvements of said city, which courts shall proceed according to, and be governed by the general laws and rules of practice of this State, applicable to courts of justices of the peace.

Sec. 62. The courts of justice in said city shall have power to imprison in the jail of the county of Washtenaw, and it is hereby made the duty of the keeper of said jail to receive such persons as are brought to his custody by authority of any of said courts, or of the common council, or any officer of said city authorized so to commit such person, in the same manner as any court of record of this State, or other competent authority, is authorized to commit to said jail.

Sec. 63. The justices of the peace in the said city exercising civil jurisdiction, shall be deemed justices of the peace of the county of Washtenaw, and shall be subject to the general laws of the State in relation to civil causes before justices of the peace; and appeals from their judgment may be made to the circuit court for the county of Washtenaw, in the same manner as appeals from justices' judgments in townships are made.

Powers of
justices in
criminal
matters.

Sec. 64. The justices of the peace of said city shall have all the authority of justices of the peace in townships in criminal matters, and shall have all the authority and perform all the duties hereinbefore provided and required of them.

Suits for
penalties,
how bro't.

Sec. 65. All suits which shall be brought to recover any penalty or forfeiture, for the violation of any ordinance of the common council, shall be brought in the name of the city of Ypsilanti, under the direction of the common council, or of the attorney of said city; and no person, being an inhabitant, free-man or freeholder of the said city, shall be disqualified for that cause from acting as a judge, justice or juror, in the trial or other proceeding in any suit brought to recover a forfeiture or penalty for the violation of any provision of this act, or for the violation of any ordinance of the common council, nor from serving any process, or summoning a jury in such suit, or from acting in any such capacity, or being a witness on the trial of any issue, or upon the taking or making any inquisition or assessment, or any judicial investigation of facts, to which issue, inquest or investigation, the said city, or any city, district or ward officer, is a party, or in which said city or such officer is interested; nor shall any judge of any court be disqualified to hear and adjudicate on an appeal in any matter originating in said city, because he is an inhabitant thereof.

Appeal from
judgment
by city.

Sec. 66. If any judgment in any action shall be rendered against the city by any justice of the peace, such judgment may be removed by appeal to the circuit court for the county of Washtenaw, in the same manner and with the same effect as though the city were a natural person, except that no bond or recognizance, to the adverse party, shall be necessary to be executed by or on behalf of the said city.

Executions
on judgment

Sec. 67. Every execution for any penalty or forfeiture recovered for the violation of any of the provisions of this act, or for the violation of any by-law or ordinance of the said city, may be issued immediately on the rendition of the judgment, and shall command the amount to be made of the property of the defendant, if any such can be found; and if not, then to com-

mit the defendant to the county jail, for such time as shall have been directed by the ordinance of the common council.

Sec. 68. The common council may direct any moneys that may have been recovered for penalties or forfeitures, under said city ordinances, to be applied to the payment of any extra expenses that may have been incurred in apprehending offenders or in subpoenaing or defraying the expenses of witnesses in any suit for such penalties or forfeitures, or in conducting such suits.

Moneys arising from penalties, how expended.

Sec. 69. All persons being habitual drunkards, destitute, and without any visible means of support, or who, being such habitual drunkards, shall abandon, neglect or refuse to aid in the support of their families, being complained of by such families; all able-bodied and sturdy beggars who may apply for alms or solicit charity; all persons wandering abroad, lodging in watch-houses, out-houses, market places, sheds, stables or uninhabited dwellings, or in the open air, and not giving a good account of themselves; all common brawlers and disturbers of the public quiet; all persons wandering abroad and begging, or who go about from door to door, or place themselves in streets, highways, passages or other public places, or beg or receive alms within the said city, shall be deemed vagrants, and may, upon conviction before any justice of the peace of said city, be sentenced to confinement in the county jail of said county for any time not exceeding sixty days.

Upon conviction may be sent to county jail.

Sec. 70. All persons who shall have actually abandoned their wives or children in the city of Ypsilanti, or who may neglect to provide according to their means for their wives or children, are hereby declared to be disorderly persons within the meaning of chapter thirty-nine, of title nine, of the revised statutes of eighteen hundred and forty-six, and may be proceeded against as such in the manner directed by said title; and it shall be the duty of the magistrate before whom any such person may be brought for examination, to judge and determine from the facts and circumstances of the case whether the con-

Disorderly persons.

Proceedings against.

duct of such persons amounts to such desertion or neglect to provide for his wife or children.

Duties of
marshal.

Sec. 71. The city marshal shall be superintendent of the city, and it shall be his duty to superintend, under the general direction of the common council, all work to be done or performed, ordered or required to be done or performed upon or in relation to any of the public streets, walks, bridges, sewers or public pumps, reservoirs or grounds of said city, and collect all taxes remaining unpaid after the first day of January, levied in said city, and to perform such other duties as by this act or the ordinances or resolutions of the common council shall be required.

Powers and
fees of con-
stables.

Sec. 72. The constables of said city shall have and receive the same fees, and have the like powers and authority in matters of civil and criminal nature, as is conferred by law upon constables in the several townships of this State, and shall, if required by the common council, give like security.

Constables
subject to
orders of
mayer, etc.

Sec. 73. The city constables shall obey the orders of the mayor and aldermen, or of any person legally exercising the criminal jurisdiction of a justice of the peace in said city, in enforcing the laws of the State or the ordinances of said city; and in case of refusal or neglect so to do, he or they shall be subject to a penalty of not less than one nor more than twenty-five dollars.

Compensa-
tion of city
officers.

Sec. 74. The common council shall annually determine the salary or compensation to be paid to the several officers of said city, within the limitations hereinafter prescribed, and which shall be as follows, to wit: to the city clerk, in addition to his fees and perquisites prescribed by law, a sum not exceeding three hundred dollars per annum; to the city treasurer, a sum not exceeding one hundred dollars per annum; to the city marshal, a sum not exceeding six hundred dollars per annum; to the mayor, a sum not exceeding one dollar per annum; to each alderman as such, a sum not exceeding one dollar per annum; to the city attorney, a sum not exceeding one hundred dollars per annum; and they may also establish the fee or salary to be paid to a

other officers appointed by them, whose fees are not prescribed by law, and whose compensation for services is required to be paid from the city treasury.

Sec. 75. The common council shall, at the first meeting after their election, or as soon thereafter as may be, and as often as any vacancy occurs in any of the offices in this section named, appoint by ballot one commissioner of the city cemetery, who shall hold his office for two years; they may also appoint the watchmen for said city, not to exceed one for each ward, of whom they shall designate one as captain of the watch, to hold their respective offices during the pleasure of said council; they shall also appoint at their first annual meeting after their election, or as soon thereafter as may be, one health physician, to hold his office one year, and so many fire-wardens, common criers, pound masters, weigh masters, inspectors of fire-wood and auctioneers as the common council shall deem necessary, each to hold their offices during the pleasure of the common council. The common council shall appoint a city attorney, to perform such services as may be required of him as attorney and counselor at law for said city, for such period, not exceeding one year, and for such compensation not to exceed one hundred dollars for a year, and the same rate for any less period, as the common council shall determine; the person so appointed shall not be entitled to receive any other fee or reward whatever which shall be paid out of, or withheld from the treasury of the city.

Commissioner of cemetery.

Watchmen.

Health physician.

Fire wardens, etc.

City attorney.

Compensation of.

Sec. 76. When any vacancy occurs in any of the offices which are appointed by the common council, either by death, resignation or removal of the incumbents, the said council may fill such vacancies by appointment for the remainder of the unexpired term for which such officer was appointed.

Vacancies, how filled.

Sec. 77. All officers appointed by the common council, by the provisions of this act, may each be removed from office by the common council for official misconduct, or for the unfaithful or insufficient performance of the duties of his office, but

Removal from office.

notice of the charges against them, and an opportunity of being heard in their defense shall first be given.

When required votes to be entered on minutes.]

Sec. 78. Whenever required by two members, the votes of all the members of the common council, in relation to any act, proceeding or proposition, had at any meeting, shall be entered at large on the minutes; and such votes shall also be entered in relation to the adoption of any resolution, or ordinance, report of a committee, or other act, for taxing or assessing the citizens of said city, or involving the appropriation of public moneys.

Powers of common council.

Management of finances, etc.

By-laws.

Sec. 79. The common council, in addition to the powers and duties specially conferred upon them in this act, shall have the management and control of the finances, rights and interests, buildings, and all property, real and personal, belonging to the city, and may make such orders and by-laws relating to the same as they shall deem proper and necessary; and further, that they shall have power within said city to enact, make, continue, establish, modify, amend and repeal, such ordinances, by-laws and regulations, as they deem desirable within said city, for the following purposes:

Public peace

First. To prevent vice and immorality, to preserve public peace and good order, to regulate the police of the city, to prevent and quell riots, disturbances and disorderly assemblages;

Gaming houses, etc.]

Second. To restrain and prevent disorderly and gambling houses, and houses of ill-fame, all instruments and devices used for gambling, and to prohibit all gambling and fraudulent devices, and regulate or restrain public billiard tables and bowling alleys;

Vending of liquors.

Third. To forbid and prevent the vending or other disposition of liquors and intoxicating drinks, in violation of the laws of this State, and to forbid the selling or giving, to be drunk, any intoxicating liquors to any child or young person, without

Auctions.

the consent of his or her parent or guardian, and to prohibit, restrain and regulate the sale of all goods, wares and personal property at auction, except in cases of sales authorized by law, and to fix the fees to be paid by and to auctioneers;

Fourth. To prohibit, restrain and regulate all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses, or other public performances and exhibitions for money; ^{Theatres, etc.}

Fifth. To abate or remove nuisances of every kind, and to compel the owner or occupant of any grocery, tallow-chandler's shop, butcher's stall, soap factory, tannery, stable, privy, hog pen, sewer, or other offensive or unwholesome house or place, to cleanse, remove, or abate the same, from time to time, as often as they may deem necessary for the health, comfort and convenience of the inhabitants of said city; ^{Nuisances.}

Sixth. To direct the location of all slaughter houses, markets, tanneries, soap factories, breweries, blacksmith shops, cattle, sheep and swine yards, and buildings for storing gunpowder, or other combustible substances; ^{Markets, etc.}

Seventh. To regulate the buying, carrying, selling and using gunpowder, fire-crackers or fire-works, manufactured or prepared therefrom, or other combustible materials, and the exhibition of fire-works, and the discharge of fire-arms, and the lights in barns, stables and other out-buildings, and to restrain the making of bonfires in streets and yards; ^{Gunpowder, etc.}

Eighth. To prevent the cumbering of streets, side-walks, cross-walks, lanes, alleys, bridges, aqueducts, wharves or slips, in any manner whatever; ^{Obstructing streets, etc.}

Ninth. To prevent and punish horse racing and immoderate driving or riding in any street, or over any bridge, and to authorize the stopping and detaining any person who shall be guilty of immoderate driving or riding in any street or over any bridge; ^{Immoderate driving.}

Tenth. To determine and designate the route and grades of any railroad to be laid in said city, and to restrain and regulate the use of locomotives, engines and cars upon the railroads within the city; and to restrain and prevent any railroad company from encumbering any of the streets, crossings or side-walks of said city with any stone, lumber, material, rubbish, ^{Route of railroads.}

snow banks or other obstructions whatsoever, under such penalty or forfeiture as the common council by ordinance shall provide;

Bathing. *Eleventh.* To prohibit or regulate bathing in any public water, and to provide for clearing Huron river of drift-wood and other obstructions;

Vagrants. *Twelfth.* To restrain and punish drunkards, vagrants, mendicants, street beggars, and persons soliciting alms or subscriptions for any purpose whatever;

Pounds. *Thirteenth.* To establish and regulate one or more pounds, and to restrain and regulate the running at large of horses, cattle, swine and other animals, geese and poultry, and to authorize the impounding and sale of the same for the penalty incurred, and the costs of keeping and impounding;

Dogs. *Fourteenth.* To regulate and prevent the running at large of dogs, to impose taxes on the owners of dogs, and to prevent dog fights in the streets;

Unwholesome substances. *Fifteenth.* To prohibit any person from bringing and depositing within the limits of said city, any dead carcass or other unwholesome or offensive substances, and to require the removal and destruction thereof, if any person shall have on his premises such substances, or any putrid meats, fish, hides or skins of any kind, and on his default, to authorize the removal or destruction thereof by some officer of the city;

[Side-walks.] *Sixteenth.* To compel all persons to keep side-walks in front of premises owned or occupied by them, clear from snow, dirt, wood or obstructions;

Ringling of bells, etc. *Seventeenth.* To regulate the ringing of bells, the beating of drums, and the crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the streets;

Watchmen. *Eighteenth.* To prescribe the powers and duties of watchmen, and the fines and penalties for their delinquencies;

Building limits. *Nineteenth.* To regulate and establish the line upon which buildings may be erected upon any street, lane or alley in said city, and to compel such buildings to be erected upon such

line, by fine upon the owner or builder thereof, not to exceed five hundred dollars;

Twentieth. To regulate the burial of the dead, and to compel Burial of the dead. the keeping and return of bills of mortality;

Twenty-first. To establish, order and regulate the markets; Markets. to regulate the vending of wood, meats, vegetables, fruit, fish, and provisions of all kinds, and prescribe the time and place for selling the same, and the fees to be paid by butchers for license: *Provided*, That nothing herein contained shall author- Proviso ize the common council to restrict in any way the sale of fresh and wholesome meats by the quarter within the limits of the city;

Twenty-second. To establish, regulate and preserve public Reservoirs, etc. reservoirs, wells and pumps, and to prevent the waste of water;

Twenty-third. To regulate sextons and undertakers for bury- Cartmen, etc. ing the dead, carmen and their carts, hackney carriages and their drivers, omnibuses and their drivers, scavengers, porters and chimney sweeps, and their fees and compensation, and the fees to be paid by them into the city treasury for license;

Twenty-fourth. To prevent runners, stage drivers and others, Runners, etc. from soliciting passengers and others to travel or ride in any stage, omnibus, or upon any railroad, or to go to any hotel, or other wheres;

Twenty-fifth. To establish and regulate the lighting of the Lighting streets. streets and alleys, and the protection and safety of the public or private street lamps;

Twenty-sixth. To regulate and restrain hawking and ped- Peddlers. dling in the streets, and to regulate pawnbrokers;

Twenty-seventh. To prescribe the duties of all officers appointed Duties of officers and compensation. by the common council, and their compensation, and the penalty or penalties for failing to perform such duties, and to prescribe the bonds and sureties to be given by the officers of the city for the discharge of their duties, and the time for executing the same, in cases not otherwise provided for by law;

Twenty-eighth. To preserve the salubrity of the waters of Purity of streams. Huron river, or other streams within the limits of the said city; to

fill up all low grounds or lots covered or partially covered with water, or to drain the same as they may deem expedient;

Hack stands and fare.

Twenty-ninth. To prescribe and designate the stands for carriages of all kinds which carry persons for hire, and for carts and carters, and to prescribe the rates of fare and charges, and the stands for wood, hay and produce exposed for sale in said city.

Boundaries of streets.

Sec. 80. The common council may ascertain, establish, and settle the boundaries of all streets and alleys in the said city, and prevent and remove all encroachments thereon, and exercise all other powers conferred on them by this act, in relation to highways, common and other schools, the prevention of fires, the levying of taxes, the supplying of the city with water, and all other subjects of municipal regulation not herein expressly provided.

Schools.

Mill races.

Sec. 81. The common council shall also have power, by ordinance or otherwise, to require the owner or occupants of any mill race within the said city, to cover the same with bridges or arches, to be constructed with such materials as the common council shall direct.

When to be done at expense of city

Sec. 82. Whenever the owner or occupant of any mill race shall refuse or neglect, within such time as the common council shall have appointed, to cover such mill race in the manner and with the materials by them directed, it shall be lawful for the common council to cause the same to be done at the expense of the city, and to recover the expenses thereof, with damages at the rate of ten per cent., with costs of suit, from such owner or occupant.

Penalty for violating ordinances.

Sec. 83. Where, by the provisions of this act, the common council have authority to pass ordinances on any subject, they may prescribe a penalty not exceeding one hundred dollars, (unless the imposition of a greater penalty be herein otherwise provided,) for a violation thereof, and may provide that the offender, on failing to pay the penalty imposed, shall be imprisoned in the county jail of Washtenaw county, for any term

not exceeding ninety days, which penalties may be sued for and recovered, with costs, in the name of the city of Ypsilanti.

Sec. 84. No ordinance of the common council imposing a When ordinances imposing penalties take effect. penalty shall take effect until after the expiration of at least three days after the first publication thereof: *Provided, however,* Provide. Any ordinance or resolution of this council may be ordered to take immediate effect by a two-third vote of council.

Sec. 85. A record or entry made by the clerk of the said city, Record of publication of ordinances. or a copy of such record or entry duly certified by him, shall be *prima facie* evidence of the time of such first publication; and all laws, regulations and ordinances of the common council Ordinances may be given in evidence. may be read in evidence in all courts of justice, and in all proceedings before any officer, body or board in which it shall be necessary to refer thereto, either,

First. From a copy certified by the clerk of the city, with the seal of the city of Ypsilanti affixed; or,

Second. From the volume of ordinances printed by authority of the common council.

Sec. 86. Whenever the common council are required by law Publications how made. to make publication of any notices, ordinances, or resolutions or proceedings, it shall be deemed sufficient to publish the same in any daily or weekly newspaper published in said city, or by posting at least three written or printed copies thereof in each of the wards of said city.

Sec. 87. The common council shall have power to purchase City cemetery. and to hold a suitable lot or lots of land, within or without the corporation limits, for the purpose of a city cemetery or cemeteries; and they shall make such rules and regulations Regulations for. regarding the same, or for any other cemetery within the corporate limits of said city, as they may deem necessary; and may cause Survey of. the same to be surveyed into suitable lots, and may dispose of the same to purchasers, and thereupon cause to be executed to such purchaser a good and sufficient deed, in the corporate name of said city, which deed shall be signed by the mayor and clerk.

Board of superintendents of cemetery.

Sec. 88. The commissioners of the city cemetery, and the city treasurer, shall constitute a board of superintendents of the city cemetery, and the city treasurer shall be the treasurer of said board.

Watch-house, city hall and markets.

Sec. 89. The common council shall have power to construct a city watch-house, city hall, and city market or markets, and to appoint the keepers, clerks, and necessary officers thereof; and may locate such city watch-house, city hall, and city market or markets within the city limits, and may make such regulations concerning the same as the common council may think proper.

Powers of council relative to taverns, etc.

Sec. 90. The common council shall have and exercise in and over said city the same powers in relation to the regulation of taverns, groceries, common victualers, saloon keepers and others, as are now or may hereafter be conferred by the general laws of this State upon township boards, or upon the corporate authorities of cities and villages in relation to tavern keepers and common victualers, and subject to the same conditions and limitations; and the general laws of this State now in force, or which may hereafter be enacted, in relation to the regulation of taverns, groceries and common victualers, shall be deemed applicable to this city, unless otherwise limited.

License of.

The common council shall have full power to grant license, to authorize persons to exercise the business of tavern keeper, inn holder, common victualer, or saloon keeper, within said city, and may require such fees to be paid into the city treasury on the granting of such license, and may impose such penalty for a neglect or refusal to obtain such license as may be established by ordinance.

Annual settlement with officers and others.

Sec. 91. On the last Tuesday in the month of April, in each year, the common council shall audit and settle the accounts of the city treasurer, and the accounts of all other officers and persons having claims against the city or accounts with it; and shall make out a statement in detail of the receipts and expenditures of the corporation during the preceding year, in which statement shall be clearly and distinctly specified the several

Annual statement of city expenses.

Contents of.

items of expenditure made by the common council, the objects and purposes for which the same were made, and the amount of money expended under each; the amount of taxes raised for the general contingent expenses; the amount raised for lighting and watching the city; the amount of highway taxes and assessments; the amount of assessments for opening, paving, planking, repairing, and altering streets, and building and repairing bridges; the amount borrowed on the credit of the city, and the terms on which the same was obtained, and such other information as shall be necessary to a full understanding of the financial concerns of the city.

Sec. 92. The said statement shall be signed by the mayor and clerk, and filed with the papers of the city; and the same shall be published by the clerk, at the expense of the city, in some newspaper thereof, to be designated by the common council, previous to the first day of May thereafter.

By whom signed.
Publication of.

Sec. 93. The common council shall examine, settle and allow all accounts and demands properly chargeable against said city, as well of its officers as other persons, and shall have authority to provide means for the payment of the same, and for defraying the contingent expenses of the said city, subject only to the limitations and restrictions in this act contained.

Council authorized to audit all claims against city
Payment of.

Sec. 94. For the purpose of defraying the expenses and all liabilities incurred by said city, and paying the same, the common council may raise annually, by tax levied upon the real and personal property within said city, such sum as they may deem necessary, not exceeding one-half of one per cent. on the valuation of such real and personal estate within the limits of said city, according to the valuation thereof, taken from the assessment roll of that year, as equalized by the board of supervisors, and the sum or sums so to be raised shall be apportioned between the two judicial districts of said city in the manner in this act provided.

Tax for city purposes.

Limitation.

Sec. 95. It shall not be lawful for the common council to borrow any money or authorize the creation of any liability or indebtedness against said city in any one year exceeding in the

Amount to be borrowed by city limited.

Sums bor-
rowed, how
paid.

aggregate the amount which by this act may be raised by tax for such year, except for soldiers' bounties; and in case any sum or sums of money shall be borrowed by said common council, in any one year, or the said common council, or any officer thereof, shall enter into any contract or contracts for the payment of money binding upon said city, the same shall be paid out of the sums raised by tax for such year, except as

How applied above, if the payment thereof is not otherwise provided; and all sums of money borrowed by said city shall be applied to the purposes for which the same was borrowed, and for no other purpose whatsoever; but nothing in this act contained shall be construed to prohibit said common council from making assessments and levying and collecting taxes for the purpose of local improvements.

Assessment
to pay
money bor-
rowed.

Sec. 96. All sums of money directed to be raised by the common council, except as in this act otherwise provided, shall be assessed upon all the real and personal estate in the said city, according to the valuation of the same, as from the valuation thereof by the last preceding assessment roll, filed in the office of the city clerk; but no real or personal property which shall be exempt from taxation by the general laws of this State, nor any public square, park or other public ground, shall be assessed for the ordinary city or county taxes.

Sinking fund

Sec. 97. Whenever by the provisions of this act the common council shall be authorized to issue bonds for the payment of any sum or sums of money, the said common council shall thereupon have the power to create a sinking fund for the payment of the interest as it falls due, and the extinguishment of the principal at the expiration of the time limited for the payment

How raised.

thereof, which fund shall be raised by a direct tax, which shall not exceed in any one year one mill on the dollar on the valuation of the real and personal property within said city, and which shall be levied and collected in the same manner as the ordinary city taxes of said city are levied and collected; and when so collected the same shall be applied to the credit of

Levy and
collection of

said sinking fund, for the purpose of paying off the principal and interest of the debt so created as the same becomes due.

Sec. 98. The common council of the city of Ypsilanti shall have full power to lay out, establish, open, extend, widen, straighten, alter, close, fill in or grade, vacate or abolish, any highways, streets, avenues, lanes, alleys, public grounds or spaces in said city, whenever they shall deem it a necessary public improvement, and private property may be taken therefor; but the necessity for using such property, the just compensation to be made for the same, and the damages arising to any person from the making of said improvement, except the grading or closing of streets, shall be ascertained by a jury of twelve freeholders residing in said city.

Streets,
grade of,
etc.

Private
property
may be
taken there-
for.

Sec. 99. Whenever the common council shall deem any such improvements necessary, they shall so declare by resolution, which shall be drawn by the attorney of the corporation, and in said resolution shall describe the contemplated improvement; and if they intend to take private property therefor, they shall declare such intention and describe such property in said resolution with particularity sufficient for an ordinary conveyance thereof, and further declare that they will, on some day to be named in said resolution, apply to any justice's court of said city, for the drawing of a jury to ascertain the necessity for using the property intended to be taken, if it be intended to take any for such improvement, to ascertain the just damages and compensation which any person may be entitled to if such intended improvement be made, and to apportion and assess such damages and compensation to and upon all lots, premises and sub-divisions thereof which will be benefitted by such improvement, and the time to be named for applying to said court shall be on a day subsequent to the required publication of said resolution.

Proceedings
when pri-
vate prop-
erty is to be
taken.

Sec. 100. The common council shall give notice of the intended improvement, and of the intended application to said court, by causing a copy of said resolution, certified by the clerk of said city, and the marshal shall serve said resolution by

Notice of in-
tention to
take private
property.

How served.

delivering a copy thereof, to the owner or owners of any private property intended to be taken, if they can be found in said city, which notice shall be directed to them; or if they cannot be found in said city, by leaving the same at their place of residence in said city with some person of proper age; if they or their place of residence cannot be found, and such property be occupied, said copy of said resolution shall be served by delivering the same to the occupant or occupants, or by leaving the same at their place of residence within said city with some person of proper age; but if the owner or owners of such property, or their place of residence cannot be found, and it be not occupied, or if it be occupied, but they, their place of residence and that of the occupant or occupants, cannot be found, or if the owner or owners, occupant or occupants, be unknown or non-residents of said city, then, in either of such cases, notice of said resolution may be given by posting said resolution in some conspicuous place upon the property intended to be taken; the marshal shall give notice of said resolution as above directed, and make return of his doings and of the manner of giving said notice as soon as practicable after the passage thereof, which return shall be made to the said court at least six days before the day appointed in said resolution for the hearing of said application; and all persons interested therein, after notice given in the manner aforesaid, shall take notice of and be bound by all subsequent proceedings without any further notices except as herein provided.

Return of
marshal
thereon.

Duty of
clerk and
attorney.

Sec. 101. The clerk of said city shall deliver to the attorney of the corporation a certified copy of said resolution of the common council, whose duty it shall be to appear in said court and make the application therein referred to, and conduct all further proceedings thereon in behalf of the common council.

Marshal to
select 24
names for
jurors.

Sec. 102. Upon the day designated in said resolution, or on some other day to be appointed by the court, and on filing a copy of said resolution and an affidavit showing the required notice thereof, the marshal shall attend said court and write down [the names of twenty-four disinterested freeholders resi-

ding in said city, and who shall be approved by the court, as such disinterested freeholders and residents, and qualified to serve.

Sec. 103. From such list each party may strike off six names; Selection of jury. and in case of the absence or refusal of either party to strike off, the justice shall strike off for him six names from said list. Said court shall then issue a summons, commanding the marshal Summons of. to summon said twelve persons to be and appear in said court to serve as jurors, on some day to be named therein, which shall not be less than seven days after the issuing thereof; the marshal shall serve such summons at least three days before the Service and return of summons. return day thereof, and make return in the same manner as in the case of an ordinary venire for jurors for said court, and the persons thus summoned shall be bound to attend said court, and serve until discharged; and said court shall impose upon Penalty for non-attendance them a fine, not exceeding five dollars, for each day's non-attendance in court, or neglect to serve; but they may be May be exempted. exempted and excused by the court from serving, for the same reasons for which jurors in the circuit court may be exempted or excused.

Sec. 104. If, in consequence of jurors being exempted, Talemen. excused or set aside, there shall not be in attendance a jury, the marshal [shall] forthwith, under the order of the court, summons such number of persons as the court shall deem necessary, and may order them to be and appear in said court to serve as jurors, and the persons thus summoned shall be returned, be bound to attend said court and serve, and be competent to form the jury in the same manner and to the same effect as those first summoned.

Sec. 105. The first twelve persons who shall appear, and shall Jury sworn. be approved by the court as qualified, shall be the jury, and shall be sworn to discharge the duties imposed on them by this act, faithfully, impartially, and according to the best of their abilities; said court shall then instruct said jury as to their du-

Instruction to. ties and the law applicable to the case, and deliver to them the resolution of the common council as filed in said court.

Jury to visit the intended improvement. Sec. 106. Each of said jurors shall go to the place of the intended improvement, and upon or as near as practicable to any property intended to be taken, and described in said resolution, or as the case may be, which will be damaged or benefitted if the intended improvement be made.

Jury to ascertain the necessity of the improvement and damages. Sec. 107. Said jury shall then ascertain the necessity for using the property intended to be taken, if it be intended to take any for such improvement, the just damages and compensation to be paid to the owner or owners of any property intended to be taken for or that may be damaged by the intended improvement, and award to the owner or owners thereof

Apportionment when property is mortgaged, etc. such damages and compensation as they shall deem just. If such property shall be subject to a valid mortgage, lease, lien, levy, or agreement, or to either, then said jury shall apportion and award to the owner or owners of such property, the parties in interest to such mortgage, lease, lien, levy, or agreement, or to either of them, such portion of the damage and compensation as they deem just, if such damage or compensation be claimed.

Assessment of damages and compensation. Sec. 108. Said jury shall apportion and assess the total damages and compensation to be paid in any case to and upon all lots of land, premises, or subdivisions thereof, which will be benefitted if the intended improvement be made, apportioning and assessing to and upon each, such portion of said total damages and compensation as they shall deem just: *Provided, however,* That if the total damages and compensation to be awarded to any person or persons as above, shall exceed the total benefits to be apportioned to and assessed upon any property for the benefit of such property will receive, then such excess shall be apportioned and assessed to the city of Ypsilanti.

Excess of damages. Report of jury. Sec. 109. Said jury shall then make in writing, and each shall sign a report to said council, of their doings, enclose the same in a sealed envelope, and file it in said council, within thirty days after they were sworn.

Sec. 110. Said jury shall state in their report the just damages and compensation ascertained and awarded by them to the owner of any private property, or to any person claiming an interest therein by virtue of any mortgage, lease, lien, levy or agreement, or either, to which such property may be subject, together with the name of such owner or claimant, if known, and a description of the property intended to be taken. In case any damage and compensation be awarded to any person claiming an interest in such property by virtue of any valid mortgage, lease, lien, levy or agreement, or either, to which such property may be subject, it shall be sufficient to state further, in such case, the name of such interested party, the date of such mortgage, lease, lien, levy or agreement, or assignment thereof, if there be any, by virtue of which such interested party has an interest in the property intended to be taken.

Contents of report.

Sec. 111. Such jury shall also state in their report what portions in amount of the total ascertained damages and compensation they have apportioned to and assessed upon any lot, premises, or subdivision thereof, which will be benefitted by the intended improvement, together with the names of the owners thereof, if known, and a description of the same, and also, what portion, if any, of the ascertained damages and compensation they have apportioned and assessed to the city of Ypsilanti in the case above provided for.

Sec. 112. Said report may be confirmed by the common council at any time when said council may be regularly in session; and the council shall appoint some day when it will consider such report, and objections against the confirmation thereof on the part of all persons interested therein, whereof the city clerk shall give notice by publishing the same in some newspaper published in said city for one week, and he shall file with said council an affidavit of such publication before the time appointed for considering said report; said objection shall be filed with the clerk in writing, and the consideration of said report and objections may be adjourned from time to time

Confirmation of report.

Review of report.

Notice of.

Objection to report to be filed with clerk.

until said report be confirmed or otherwise disposed of, as herein provided.

Objections
to be objec-
tions of law.

Sec. 113. Said report shall not be annulled for objections as to matters of form; all objections shall be objections of law, and to matters of substance; but the damages and compensation to be paid to any person, or the portions thereof, apportioned to and assessed upon any lot of land, premises, or subdivision thereof, may be inquired into if objected to, as being excessively large or small.

Council may
confirm or
annul report

Sec. 114. If no objections be filed, said report shall be confirmed; but if objections be filed, said council, after considering the same, and after argument thereon, shall, in its discretion, confirm or annul said report, or may refer it back to the same jury, for the purpose of reviewing all matters and correcting all errors therein contained, and making any alterations thereof which said council may direct or said jury may deem just or necessary; and thereon said jury shall review, correct or alter said report, in manner aforesaid, and shall return and file the same with said council, within five days after said report was referred back to them as aforesaid; and thereupon said council shall confirm or annul said report.

May refer it
back to jury

Proceedings
when report
is annulled
or jury dis-
agree.

Sec. 115. If said report be annulled, or the jury cannot agree, or from death, sickness, or any other cause, shall fail to make a report within the thirty days required above, the council may, on the application of the attorney, designate some day when another jury may be had, and such jury shall be obtained, drawn, summoned, returned, bound to attend and serve, have the same qualifications, be sworn, and when sworn have the same powers and duties as the first jury; the same proceedings, after they are sworn, shall be had by them, and by and in said courts and council, as provided for above, after the first jury is sworn.

In case of
death etc.,
another ju-
ror may be
appointed.

Sec. 116. If any juror, after being sworn, shall die, or from sickness be unable to discharge his duties, the court may appoint another person to serve in his place, who shall be sworn, and shall have the like qualifications, powers and duties as those already sworn.

Sec. 117. Any person to whom damages and compensation may be awarded for any of his property intended to be taken, or on account of the intended improvement, or to and upon whose property any portion of such damages and compensation may be apportioned and assessed, considering himself aggrieved, may appeal from the judgment of the council confirming the report of the jury, to the circuit court, by filing in writing with said council a notice of such appeal and specification of the errors complained of, within five days after the confirmation, and serving within the same time a copy of said notice and specification of errors on the attorney of the corporation, and filing a bond in said council, to be approved by the mayor, conditioned for the prosecution of said appeal, and the payment of all costs that may be awarded against the appellant in case the confirmation of the council be affirmed.

Appeal from judgment.

Notice thereof.

Bond on appeal

Sec. 118. In case of appeal as above, it shall be the duty of the council forthwith, or as soon as practicable, to transmit to the circuit court a certified copy of all the proceedings in the case which may be filed with said council.

Copy of proceedings to be transmitted to circuit court

Sec. 119. The circuit court, at any term thereof, shall, with the least practicable delay, hear and try the matter of said appeal, and may affirm or reverse the judgment of the council confirming the report of the jury; but the same shall not be reversed for matter of form, nor for any errors except errors of law, and only in regard to the appellant or appellants. The court shall give judgment for reasonable costs and expenses in the matter of said appeal and proceedings thereon, to be taxed, and all costs and expenses awarded to the city in case of affirmation, shall be applied on and deducted from the damages and compensation, if any, to be paid to the appellant or appellants.

Duty of circuit court.

Costs.

Sec. 120. If there be a reversal for any errors which it is practicable for the council or said jury to correct with due regard to the public interests and rights of individuals, the proceedings shall be remanded to the council with direction that such errors be corrected. Said council or (as the case may

Proceedings may be remanded.

be) said jury shall correct such errors; and thereupon the report of the jury shall be confirmed by said council, without any further right of appeal.

Proceedings upon annulment or reversal.

Sec. 121. In case of every annulment of the report of the jury by the council, or reversal by the circuit court, the common council, in behalf of said city, may by resolution elect to pay the damages and compensation claimed by, or the assessment made upon the property of the objector, appellant or appellants, and within twenty days after the annulment or reversal, the report of said jury shall be reversed and confirmed by said council as to all persons interested therein, except the objector, appellant or appellants, and without further right of appeal. If the common council do not elect as above provided, all the proceedings shall be null and void, and no further proceedings shall be had except in a case of reversal, when the proceedings may have been remanded to the council for the correction of certain errors, in which case such errors shall be corrected, and the report of the jury confirmed as above provided.

Confirmation to be final.

Sec. 122. If the report of the jury be confirmed by the council in any case above provided for, or if the judgment of confirmation be affirmed on appeal to the circuit court, such confirmation shall be final and conclusive as to all persons interested therein; and the damages and compensation apportioned to and assessed upon any lot of land, premises or subdivision thereof, according to said report as confirmed, shall be a lien thereon from the time of the aforesaid confirmation until they are paid and satisfied.

Damages and compensation to be a lien.

Copy of confirmation to be filed with city clerk.

Sec. 123. When the report of the jury shall have been thus finally confirmed in the circuit court, the court shall prepare a certified copy of the report of the jury as confirmed by the court, and of the order of the court confirming the same, and shall file said certified copy in the office of the clerk of the city, who shall record the same in a book to be provided, used and known as a book of street records. Such certified copy, such record, or a like copy made and certified by the city clerk,

Clerk to record the same.

Copy or record may be given in evidence.

shall in all courts and places be presumptive evidence of the matters therein contained, and of the regularity of all proceedings from the commencement thereof to and including the order of the court or council confirming the report of the jury.

Sec. 124. The amounts apportioned to and assessed upon all lots of land, premises or subdivisions thereof, for the benefits they will receive, shall be paid to the treasurer of the city, in case of confirmation of the report of the jury as above provided, or in case the judgment of confirmation be affirmed by the circuit court, and warrant or warrants authorizing the collection thereof shall be issued, as soon as practicable, under the hand of the proper supervisor of the city, directed to the marshal thereof; and in the collection of such assessments the said marshal shall proceed in the same manner and shall levy, collect, make return to the city clerk of the sums remaining uncollected, with a description of the lots, premises or subdivisions, or parts or portions thereof, upon which such tax was assessed, and which remains unpaid as aforesaid, and the city clerk shall report the same to the proper supervisor, and the supervisor shall assess the same upon his assessment and tax roll upon such premises, and the same shall be thereupon collected and returned, and the same proceedings had for the collection and return thereof, and for the sale of such premises for the non-payment of such assessment and the charges accruing thereon, as is provided in this act in the case of the collection of city taxes.

Assessment to be paid to city treasurer.

How collected.

Return of unpaid taxes

Sec. 125. Within nine months after the confirmation of the report of the jury, or after the judgment of the confirmation shall, on appeal, be affirmed, the common council shall pay or tender to the respective persons the several amounts of damages and compensation awarded to them, according to the report of the jury as confirmed or elected, as above provided for to be paid by the common council; and in case any such person shall refuse the same, be unknown or a non-resident of said city, or for any reason incapacitated from receiving his or her amount, or the right thereto be disputed or doubtful, the com-

Payment or tender of damages to be made.

Proceedings when owner of premises refuses the same or is unknown.

mon council may deposit the amount awarded in such case, or elected to be paid by the common council, in the treasury of the city, to the credit of any person entitled thereto, and shall, on demand, pay the same over to any person or persons competent and entitled to receive it, and the treasurer shall take receipt and voucher therefor.

Upon payment of damages fee of lands to rest in city.

Sec. 126. Upon such payment, tender or deposit in the city treasury, the fee and ownership of the land and property to be taken, with its appurtenances, shall be fully vested in the said city, and the common council may enter upon, take possession of, and convert the same to the uses and purposes for which it has been taken; a certificate of the city treasurer of such tender, payment or deposit, or record thereof in the book of street records, or certified copy of such record, shall, in all courts and places, be presumptive evidence of the facts therein stated, of the vesting of the fee of the property taken, in the city, and of the right of the common council to take possession of and convert the same to the uses for which it has been taken.

Certificate of payment etc., presumptive evidence thereof.

Leases, etc., to cease upon final confirmation.

Sec. 127. In all cases where any real estate, subject to any lease or agreement, shall be taken as aforesaid, all the covenants and stipulations contained therein shall cease, determine and be discharged, upon the final confirmation of the report of the jury, or upon the affirmation, by the circuit court, of the judgment of confirmation. If a part only of such real estate be taken, said covenants and stipulations shall cease, determine and be discharged, only as to such part; and the council, on application of any party in interest to such lease or agreement, and after a notice thereof of eight days, in writing, to the other parties in interest, may appoint three disinterested residents and freeholders of said city, commissioners, to determine the rents and payments to be thereafter paid, and the covenants, stipulations or conditions thereafter to be performed under the lease or agreement, in respect to the residue or part of such real estate not taken. Said commissioners shall, before entering

Commissioners to determine rents, etc.

Oath of commissioners.

on their duties, take and subscribe an oath, to be administered by any notary or justice of the peace, faithfully to dis-

charge their duties, which oath shall be filed with said council. Said three commissioners shall make and sign a report, in writing, of their doings to said council, which shall be filed therein within thirty days after their appointment; and said report, on being confirmed by the council, shall be binding and conclusive on the parties in interest to such lease or agreement, and the fees and expenses of proceedings under this section shall be borne in whole or in part by the parties to such lease or agreement, or either of them, or by the city, in the discretion of the common council.

Report of.
Report on
confirmation
to be
final.
Fees, how
paid.

Sec. 128. The duties above to be performed by the marshal of said city, in case of the inability of such marshal, whether by absence, sickness, or interest in the subject matter of the proceedings, may be performed by either of the constables of said city.

Certain du-
ties of mar-
shal to be
performed
by constab-
les.

Sec. 129. The common council shall pay said jury such compensation for their services as they may deem just, and they shall have power to abandon or discontinue proceedings under this chapter, at any time before the final confirmation of the report of the jury.

Compensa-
tion of jury.

Sec. 130. The common council shall be commissioners of highways for said city, and shall have the care and supervision of the highways, streets, bridges, lanes, alleys, parks and public grounds therein; and it shall be their duty to give directions for the repairing, preserving, improving, cleansing and securing of such highways, bridges, lanes, alleys, parks and public grounds, and to cause the same to be repaired, cleansed, improved and secured from time to time, as may be necessary; to regulate the roads, streets, highways, lanes, parks and alleys already laid out, or which may hereafter be laid out, and to alter such of them as they shall deem inconvenient, subject to the restrictions contained in this act; to cause such of the streets and highways in said city as shall have been used for six years or more as public highways and streets, and which are not sufficiently described, or have not been duly recorded, to be ascertained, described and recorded

Common
council to
be commis-
sioners of
highways.
Duties of.

Recording
evidence of
the exist-
ence of
highways.

Highway
districts.

Fence view-
er.

Reservoirs.

Streets.

Discontin-
ing streets.

Expenses of
public im-
provements

in the office of the city clerk of said city, in the book of street records; and the recording of such highways, streets, lanes, alleys or public grounds, so ascertained and described, or which shall hereafter be laid out and established by the said common council, and recorded in the book of street records in the office of the clerk, by order of the common council, shall be presumptive evidence of the existence of such highway, street, lane, alley or public ground therein described; to divide said city, from time to time, into so many highway districts as they shall deem expedient, by an ordinance or resolution entered in their minutes; and the marshal shall be a fence viewer, and possess all the powers, and be subject to all the liabilities of overseers of highways in the several townships of the State, so far as the same may be applicable to said city under the provisions of this act.

Sec. 131. The common council shall have power to cause common sewers, drains and vaults, arches and bridges, wells, pumps and reservoirs to be built in any part of said city; to cause the grading, raising, leveling, repairing, amending, paving or covering with broken or pounded stone, plank or other material, any street, lane, alley, highway, public ground or sidewalk of said city.

Sec. 132. The common council shall have the same power in relation to discontinuing any street, highway, lane or alley in said city, which the commissioners of highways in townships have or may hereafter receive in relation to town highways, and they may adopt the same proceedings to effect such object as near as may be as the commissioners of highways in townships are or may be by law required to adopt; and appeals may be taken to the circuit court for the county of Washtenaw in like manner as far as practicable as appeals are now or may hereafter by law be taken from justices' courts, and the said circuit court is hereby authorized and empowered to hear and determine such appeals.

Sec. 133. Whenever the common council shall determine that the whole or any part of the expense of any public improve-

ment not requiring the taking of any land by the said city, shall be defrayed by an assessment on the owners or occupants How paid. of houses and lands to be benefitted thereby, they shall declare the same by an entry in their minutes, and after ascertaining as they may think proper, the estimated expense of such improvement, they shall declare by an entry in their minutes whether the whole or what portion thereof shall be assessed to such owners and occupants, specifying the sum to be assessed, and the portion of the city which they deem to be benefitted by such improvement; the costs and expenses of making the estimates, plans and assessments incidental thereto, shall be included in the estimated expenses of such improvement.

Sec. 134. The common council shall thereupon make an or- Com'rs to assess ex-
penses of
public im-
provements der reciting the public improvement so as aforesaid intended to be made, the amount of expense to be assessed as aforesaid, and the portion or part of the city on which the same is to be assessed, designating and directing three commissioners, who should be resident freeholders of said city not interested in any of the property so benefitted, nor of kin to any person interested, to make an assessment upon all the owners or occupants of lands and houses within the portion or part so designated, of the amount of expense in proportion as nearly as may be to the advantage which each shall be deemed to acquire by making such improvements, which order shall be certified by the clerk of the city, and delivered to one of said commissioners, together with a map or profile of the proposed improvement in cases where the same is practicable.

Sec. 135. It shall be the duty of said commissioners so desig- Duties of
com'rs nated and appointed by the common council, to meet together at such time and place as the common council shall appoint, or in case said council do not so appoint, as said commissioners shall themselves agree upon, and thereupon said commissioners shall Oath of. severally take and subscribe an oath that they are not interested in the premises described in said order, and not of kin to any person so interested, and that they will faithfully and impartially discharge the duty imposed upon them by said order,

which said oath shall forthwith be returned and filed with the city clerk. In case any such commissioner shall not be able to take such oath, the city clerk shall forthwith return that fact to the common council, and the said council shall thereupon appoint one or more commissioners not interested and not of kin as aforesaid, to make the number three, and proceed in like manner until three commissioners are sworn as aforesaid.

When commissioners cannot take the oath others to be appointed.

Sec 136. The commissioners thus sworn shall proceed to make an assessment according to the said order, and shall make out an assessment roll, in which shall be entered the names of the persons assessed, the value of the property for which they are assessed, the amount assessed to each of them respectively, and in case any lots or parts of lots shall be unoccupied, belonging to any person residing in the said city, such person shall be assessed for the same, and his name entered accordingly; and in case such lots or parts of lots shall belong to a non-resident or owner or owners unknown, the same shall be entered accordingly, with a description of such lots or premises, as is required by law in assessment rolls made by supervisors of townships, with the value thereof and the amount assessed thereon, which assessment shall be subscribed by them, or a majority of them, who acted in the premises, and returned as speedily as may be to the common council of the said city.

Proceedings of common council.

Assessment of non-resident lots.

Sec. 137. The said commissioners shall receive such compensation for their services as shall be allowed them by the common council, to be paid out of the contingent fund of the said city, not exceeding two dollars per day for each.

Compensation of commissioners.

Sec. 138. Upon such return being made and filed, the clerk of the city shall cause notice of the names being returned to his office to be published in a newspaper of said city, for at least ten days, and that the common council will, on such day as they shall appoint, proceed to hear any appeals from the said assessment.

Notice of time to hear appeals.

Sec. 139. At the day appointed for that purpose, and such other days as the hearing shall be adjourned to, the common council shall hear the allegations and proofs of all persons who

Proceedings on appeal.

may complain of such assessment, and may rectify and amend the said assessment list in whole or in part, or may set the same aside and direct a new assessment, either by the same commissioners or by such other commissioners as the common council shall appoint for that purpose; and in such case the same proceedings shall be had as are herein provided upon the first order of the assessment, or the said common council may ratify and confirm such assessment without any corrections, or with such corrections therein as they may think proper.

Sec. 140. Every assessment so ratified and confirmed by the common council, as aforesaid, shall be final and conclusive, and the same shall remain and continue a lien upon the premises assessed for such tax. Within ten days after such assessment shall have been so ratified, the mayor shall affix to such assessment and tax roll his warrant for the collection thereof, which warrant shall direct the marshal to collect the same within the time prescribed by the resolution of the common council; and the said assessment and tax roll, with the warrant of the mayor annexed, shall be delivered to said marshal within the ten days aforesaid, who shall thereupon be authorized to levy and collect the same by distress and sale of any personal property of the person chargeable with such tax; and in case sufficient personal property cannot be found whereon to levy and collect such tax, the marshal shall, within five days after the time prescribed by his said warrant for the collection thereof has expired, make a report to the city clerk of the sums so remaining unpaid, which he was unable, for want of such personal property, to levy and collect of the same, together with the description of the premises assessed for such unpaid taxes; and the city clerk, within five days thereafter, shall in like manner notify the proper supervisor of the amount of such taxes, and the description of the premises assessed and chargeable with such tax, who shall assess such unpaid taxes on such premises in the tax roll next thereafter to be made, and such tax shall then be levied, collected and returned, and the said premises

Assessment when confirmed to be final.

Warrant for collection of

Assessment to be delivered to marshal.

Marshal to make return of unpaid taxes.

Clerk to notify supervisor of amount of unpaid taxes.

Duties of supervisor thereon.

may be sold for non-payment thereof, as provided by law for the non-payment of the ordinary city taxes.

Who deemed liable for tax.

Sec. 141. In cases where there is no agreement to the contrary, the owner or landlord, and not the occupant or tenant, shall be deemed in law the person who ought to bear and pay every such assessment, made for the expense of any public improvement in the said city.

Recovery of amount paid by persons not liable therefor.

Sec. 142. Where any such assessment shall be made upon or paid by any person, when by agreement or by law the same ought to be borne or paid by any other person, it shall be lawful for the one so paying to sue for and recover of the person bound to pay the same the amount so paid, with interest.

Agreements as to payments not to be impaired.

Sec. 143. Nothing herein contained shall impair, or in any way affect any agreement between any landlord and tenant, or other persons, respecting the payment of any such assessments.

Surplus, if any, to be refunded.

Sec. 144. If, upon completion of any such improvement for which such assessment shall have been made, it shall appear that a greater amount has been assessed and collected than is necessary to defray the expenses thereof, the common council shall apportion such excess among the persons and property assessed in proportion to the amount collected of them, and shall pay the same to such persons and the owner of such property entitled thereto, on demand.

Deficiency to be reassessed.

Sec. 145. If it shall appear that a greater sum of money has been expended in the completion of such improvement than was estimated as aforesaid, the common council may direct the assessment of the same on the owners and occupants of houses and lands benefitted by such improvements, in the same manner as herein above directed, and the same proceedings in all respects shall be had thereon, and the common council may enlarge the territory to be assessed for such improvements.

Taxes a lien on premises

Sec. 146. Every tax or assessment for public improvements, or for other purposes authorized by this act, except as herein otherwise provided, assessed upon any lands, tenements, or real estate, or upon the owners or occupants thereof, shall be and remain a lien upon such lands, tenements and real estate,

on which, or in respect to which the same shall be made, from the time of filing the roll containing the same with the city clerk until the same shall be paid or satisfied.

Sec. 147. Whenever the common council shall deem it expedient to construct any side-walk or pavement, or plank any street within the said city, they may, by ordinance or otherwise, require the owner or occupant of any lot or house adjoining such street, to lay such side-walk, or construct such pavement, or plank such street, to the middle of the said street, in front of his or her lot or house, or they may direct such side-walks and pavements, and such streets to be planked, to be made according to the provisions of this act. The common council may, in like manner, by ordinance or otherwise, under such penalty or penalties as they may prescribe, require the owners and occupants, or either, of land in said city, or in any specified part thereof, to repair, maintain, and re-construct side-walks, pavements and street improvements adjoining their respective premises, to the middle of the street or alley, in such manner as the common council, by ordinance or otherwise, may direct; the expense to which any occupant or tenant may be thus subjected, may be collected by him from the owner of the premises, unless otherwise agreed, or unless such tenant or occupant be bound to bear such expense by the terms or nature of the agreement under which he holds the premises.

Sec. 148. Whenever the owner or occupant of any lot or house shall refuse or neglect, within such time as the common council shall have appointed, to conform to any regulation made by the said council for widening streets, or for any other purpose, it shall be lawful for the said common council to cause such regulations to be enforced at the expense of the city, and to recover the amount of such expenses with damages, at the rate of ten per cent., with costs of suit, from the owner or occupant of such lot or house, whose duty it was to conform to such regulation, or may add thereto ten per cent., and return the same to be assessed on such lot, and collected in the same

manner as the ordinary city taxes; and such assessment shall be a lien upon the premises, the same as any other taxes.

Tax on prop-
erty of non-
residents.

Sec. 149. The common council are authorized to assess the lands of non-residents of said city, their just proportion of the expenses of cleaning and repairing streets and sidewalks, and removing nuisances; and the said expenses shall be assessed in the same manner, and the amount so assessed shall be collected in the same manner, and the same proceedings shall be had in case of the non-payment of the same, as in relation to the assessments for public improvements in said city, except as the common council may otherwise determine or direct. It shall in all cases be the duty of the owner of every lot or parcel of land in said city to keep the sidewalk adjoining his lot or piece of land in good repair, and also to remove and clear away all snow and ice and other obstructions from the sidewalk. If any owner, after notice so to do shall have been posted on the premises, or otherwise given, served or published, as the common council may direct by ordinance, resolution or otherwise, shall fail or neglect so to do, for such time not less than one nor more than six hours, as the common council, by a general or special ordinance, resolution, or otherwise may fix, the common council may cause the same to be done at the expense of the city, and may add such expense (not exceeding ten dollars on any lot or piece of land in any year) to the amount of the general tax on such land, in the next general assessment rolls of said city; and such amount so added shall be a lien on the premises in the same manner as the tax to which it is added, and may be collected and enforced, and (if not paid or collected) the lands sold therefor, in the same manner as for general city taxes.

Owners of
lots to re-
move ob-
structions
from side-
walks, etc.

Proceedings
in case of
refusal.

Highway
taxes, who
liable for.

Sec. 150. Every person owning or occupying land or tenements in said city, and every male inhabitant thereof over the age of twenty-one years and under the age of fifty, except as hereinafter provided, residing in said city, shall be assessed for highway taxes in said city; and the lands and tenements of

non-residents situated in said city shall be assessed for highway taxes as hereinafter provided.

Sec. 151. In making the estimate and assessment of highway taxes, the supervisors shall proceed as follows: Assessment of highway tax.

First. Every male inhabitant in each ward, being above the Amount. age of twenty-one and under fifty, except paupers, idiots and lunatics, and other persons exempt by law from taxation for highway purposes, shall be assessed fifty cents each as a poll tax;

Second. The residue of the highway taxes shall be assessed, not exceeding twenty cents upon every one hundred dollars of the valuation, and shall be apportioned upon the estate, real and personal, of every inhabitant in each highway district in said city, and upon each of the tracts or parcels of land in the respective highway districts of which the owners are non-residents, as the same shall appear from the assessment roll;

Third. The supervisor shall affix to the name of each person Amount to be added to assessment. liable to a poll tax, not assessed upon the assessment roll, and also to each valuation of property within the several highway districts, the amount of which such person or property shall be assessed for highway taxes, adding fifty cents to the assessment of each person between the age of twenty-one and fifty years, liable to such assessment upon the city assessment rolls.

Sec. 152. The street taxes assessed and collected in each Amount collected in each ward to be kept separate. ward shall be kept separate, and when collected the treasurer shall enter the respective amounts so paid in a book to be kept by him for that purpose, to the credit of the ward from which they were collected.

Sec. 153. The moneys so collected and paid into the treasury Street fund, as aforesaid, shall constitute the street fund of said ward districts in said city, and shall be applied as follows:

First. The marshal shall at all times keep the streets, bridges, Duties of marshal as to streets, etc. culverts and drains in thorough repair and free from obstructions, and shall report on oath to the common council, once in each month, which report shall contain an accurate statement of the amount of labor performed and the expense necessarily

incurred for material, and the streets upon which the same was performed or expense incurred;

Ward fund
not to be
applied out
of ward.

Second. No money belonging to one ward district shall be applied in payment for repairs made in any other ward district.

Books of
treasurer to
be open to
councilmen.

Sec. 154. The books kept by the city treasurer in which the debts and credits of the street funds are entered, shall be open at all reasonable hours to the inspection of members of the common council.

Assess-
ments for
sewers and
drains.
Amount.

Sec. 155. The common council shall have full power to assess and collect of each individual using or being benefitted by any public sewer or drain, as follows, to wit: the sum of one dollar and fifty cents annually for each cellar drained directly or indirectly by a drain into any public drain or sewer, which assessment shall be taken to include all other drainage of the premises to which said cellar especially belongs; and the sum of fifty cents annually for each lot or subdivision of lot, being without a cellar, drained as aforesaid into any public drain or sewer, and such sums as may be fixed by the common council for all establishments requiring an unusual or extraordinary

Sewer fund.
How ex-
pended.
Enforce-
ment of col-
lection.

amount of drainage, drained as aforesaid, which sums when collected shall constitute the sewer fund, and shall be expended exclusively for the repair and construction of sewers; and the collection of the charges to individuals for drainage in this section provided, shall be enforced in such manner as the common council may by ordinance direct.

Reservoirs,
etc.

Sec. 156. The common council shall have power to cause common sewers, drains, vaults, arches, bridges, wells, pumps and reservoirs to be constructed in any part of said city, and may levy a general tax for that purpose; and they shall also have power to levy and collect a tax in either of the judicial districts of said city, for the purposes aforesaid, or for the purpose of improving any public park in said city: *Provided, how-*

Tax for to
be approved
by electors.

ever, That no tax shall be levied and collected in either of said districts for any of the purposes aforesaid, without a majority of the aldermen elect in said district shall vote therefor, as well as a majority of the common council; and all moneys so

raised in either of the said districts, shall be expended for improvements therein, and not otherwise.

Sec. 157. When any assessment for public improvements, or Assessments for improvements to be a lien. for any local improvements or expenses upon any ward, district, street, lane, alley, public sewer or other improvement shall have been made, as in this act provided, and the tax roll for the same shall have been delivered to the marshal, the same shall be a lien upon the premises upon which the same was assessed, and the marshal collecting such tax shall levy and collect the same of any personal property belonging to the person chargeable with such tax, whether the property be mortgaged or not; and in case sufficient personal property shall not be found to collect the same, the treasurer shall make return thereof to the county treasurer in the same manner as other delinquent taxes are returned, and the same proceedings had for the collection and return thereof, and for the sale of such premises for the non-payment of such tax, as is provided by law for the collection, return and sale of premises for non-payment of the ordinary city tax. How collected.

Sec. 158. When the marshal shall have levied upon any personal property for the non-payment of any tax or assessment Sale of property for taxes. in this act provided, he shall proceed to advertise and sell the same, in the same manner and upon like notice, as required by law in the levy and sale of personal property for non-payment of taxes by township treasurers.

Sec. 159. The supervisors of said city shall, on or before the Supervisor to deliver tax rolls to treasurer. fifteenth day of November in each year, deliver to the treasurer of said city their several tax rolls, the taxes thereon extended, with a warrant thereto attached, directing the treasurer or marshal to collect the taxes therein remaining unpaid on the first day of January next ensuing, in the usual form of a supervisor's warrant to a township treasurer, which assessment roll shall remain in the hands of the treasurer till the day last To be delivered to marshal. named, on which day he shall deliver the same to the marshal, who shall proceed to collect the taxes unpaid thereon, adding Collection expenses. thereto such sum as the council shall direct, not exceeding five

per cent. for expenses of collection, and make return thereof in like manner as is required by township treasurers, and with like effect. While said assessment roll shall remain in the hands of the treasurer, any person may pay his taxes without per centage. Such assessment roll shall not be delivered to the marshal until he has filed with the city clerk a bond for the faithful performance of his duties as marshal, in such amount and with such sureties as shall be approved by the common council, and shall pay to the treasurer all moneys by him collected within forty-eight hours after he shall receive the same.

Tax may be paid treasurer without per centage. Marshal to give bond.

Bonds of treasurer.

Sec. 160. The treasurer of said city shall, before entering upon the duties of his office, file with the city clerk his bond, conditioned for the faithful performance of his duties as treasurer, in such amount, with such sureties as the common council shall require and approve; and such treasurer shall give to the treasurer of the county of Washtenaw such other security as is or may hereafter be required by law of the township treasurers of the several townships of this State; and for the purposes of the return of all such taxes, and the return of property delinquent for the non-payment of taxes, the treasurer shall possess all the powers and perform all the duties of the several township treasurers of this State as prescribed by law: *Provided, however,* That the marshal of said city may make the oath required by law, respecting the return and non-payment of delinquent taxes to the county treasurer.

Proviso.

Powers of marshal.

Sec. 161. The marshal of said city is hereby invested with and shall possess all the powers and perform all the duties of the several township treasurers of this State, in enforcing the collection of all assessments on tax rolls placed in his hands for collection, remaining unpaid on said rolls when he shall receive the same.

Supervisor to make assessments.

Sec. 162. The supervisors of each judicial district of said city shall in each and every year, make and complete the assessment of all the real and personal property within his judicial district, separately, in the same manner and within the same

time as required by law for the assessment of property in the several townships of this State, and in so doing shall conform to the provisions of law governing the action of the supervisors of the several townships of this State, performing like services; and in all other respects, within said city, shall, unless when otherwise in this act provided, conform to the provisions of law governing the action of supervisors in the several townships of this State, in the assessment of property, the levying of taxes, and the issuing of warrants for the collection and return thereof; and shall also in each year, within thirty days after the time required by law for completing the assessment rolls in the several townships of this State, make and file with the clerk of said city, true and certified copies of the assessment rolls for such year, and such city clerk shall receive and file the same in his office. Copy of.

Sec. 163. The supervisors of each judicial district shall represent the city in the board of supervisors of the county, and shall be entitled to all the rights, privileges and powers, and shall be subject to all the obligations of supervisors of townships City supervisors to be members of county board of.

Sec. 164. It shall be the duty of the common council of said city, to appoint a board of health once in each year for said city, to consist of not less than three nor more than seven persons, and a competent physician to be the health officer thereof. Board of health.

Sec. 165. The said board of health shall have power to appoint a clerk, whose duty it shall be to attend the meetings thereof, and to keep a record of its proceedings, and such record, or a duly certified copy of the same, or of any part thereof, shall be *prima facie* evidence of the facts therein contained, in any court or before any officer. The compensation of the clerk of said board of health shall be fixed by said board of health, by and with the consent of the common council, and such compensation shall be paid in the same manner as the other expenses of said board. Clerk of board of health.
Compensation of.

Sec. 166. The members of said board of health shall receive such compensation for their services as the common council Compensation of members of.

shall deem reasonable, to be paid from the general contingent fund of said city.

Powers and
duties of
board of
health.

Sec. 167. The said board of health shall have power, and it shall be their duty to take such measures as they shall deem effectual to prevent the entrance of any pestilential and infectious disease into the city; to stop, detain and examine, for that purpose, every person coming from any place infected, or believed to be infected with such a disease; to establish, maintain and regulate a pest-house or hospital, at some place within the city, or not exceeding three miles beyond its bounds; to cause any person not being a resident of the city, and who shall be, or be suspected of being infected with any such disease, to be sent to such pest-house or hospital; to cause any resident of the city, infected with any such disease, to be removed to such pest-house or hospital, if the health physician shall certify that the removal of such resident is necessary for the preservation of the public health; to remove from the city or destroy any furniture, wearing apparel, goods, wares or merchandise, or other articles or property of any kind, which shall be suspected of being tainted or infected with any pestilence, or which shall be, or be likely to pass into such a state as to generate and propagate disease; to abate all nuisances of every description which are or may be injurious to the public health, in any way and in any manner they may deem expedient, and from time to time to do all acts, make all regulations, and pass all ordinances which they shall deem necessary or expedient for the preservation of health and the suppression of disease in the city, and to carry into effect and execute the powers hereby granted.

Report of
arrival of
sick persons
to be made.

Sec. 168. The owner, driver, conductor, or person in charge of any stage-coach, railroad car, or other public conveyance which shall enter the city, having on board any person sick of a malignant fever or pestilential or infectious disease, shall, within two hours after the arrival of such sick person, report, in writing, the fact, with the name of such sick person, and the house or place where he was put down in the city, to the mayor,

or some member or officer of the board of health; and any and every neglect to comply with these provisions, or any of them, shall be a misdemeanor, punishable with fine and imprisonment. Penalty for neglect.

Sec. 169. Any person who shall knowingly bring, or procure, or cause to be brought into the city any property of any kind, tainted or infected with any malignant fever or pestilential and infectious disease, shall be guilty of misdemeanor, punishable with fine and imprisonment. Infected property.

Sec. 170. Every keeper of an inn or boarding house, or lodging house in the city, who shall have in his house at any time any sick traveler, boatman or sailor, shall report the fact, and the name of the person, in writing, within six hours after he came to the house or was taken sick therein, to the mayor, or some officer or member of the board of health; every physician in the city shall report under his hand to one of the officers above named, the name, residence and disease of every patient whom he shall have sick of any infectious and pestilential disease, within six hours after he shall have first visited such patient. A violation of either of the provisions of this section, or of any part of either of them, shall be a misdemeanor, punishable by fine and imprisonment; the fine not to exceed one hundred dollars, nor the imprisonment six months. inn-keepers, etc., to report sick persons. Also physicians. Penalty for neglect.

Sec. 171. All fines imposed under the last five sections shall belong to the city, and when collected shall be paid into the city treasury. Money from fines paid into city treasury.

Sec. 172. The superintendents of the city cemetery or cemeteries shall have the care of the city cemetery or cemeteries, and all the grounds and other property belonging thereto, subject to the ordinances and direction of the common council; they shall make such improvements upon the property as they shall think expedient, but shall not expend in any one year more than fifty dollars, without the consent of the common council previously obtained, and they shall receive no pecuniary compensation for their services; and said superintendents shall report quarterly to the common council the amount expended by them in the improvement of said property. City cemeteries.

City treasurer to receive moneys paid for cemetery lots, etc.

Sec. 173. The city treasurer shall receive all moneys for lots which shall be sold in said city cemetery or cemeteries, and also all penalties collected for violation of city ordinances in relation to such cemetery or cemeteries, and shall pay, upon resolution of the board, for improvements made upon the grounds of the said cemetery or cemeteries, and also the incidental expenses of the board, where the account for said incidental expenses shall have been audited and allowed by the common council.

Report of superintendents of cemetery.

Sec. 174. It shall be the duty of said board of superintendents to publish an annual report in relation to matters committed to their charge, in one of the newspapers printed in said city, between the first and fifteenth days of February in each year.

Fire limits, etc.

Sec. 175. For the purpose of guarding against the calamities of fire, the common council may from time to time, by ordinance, designate such portions and parts of the said city as they shall think proper, within which no buildings of wood shall be erected, and may regulate and direct the erection of buildings within such portions and parts, and the size and materials thereof, and the size of the chimneys therein; and every person who shall violate any such ordinance and regulation shall forfeit to the city the sum of one hundred dollars; and every building erected contrary to such ordinance is hereby declared to be a common nuisance, and may be abated and removed by such common council.

Council may require scuttles, etc., to be built.

Sec. 176. The common council may, by ordinance, require the owners and occupants of houses and other buildings to have scuttles on the roofs of such houses and buildings, and stairs and ladders leading to the same; and whenever any penalty shall have been recovered against the owner or occupant of any house or other building for not complying with such ordinance, the common council may, at the expiration of twenty days after such recovery, cause such scuttles and stairs and ladders to be constructed, and may recover the expense thereof,

with ten per cent. in addition, of the owner or occupant whose duty it was to comply with such ordinance.

Sec. 177. The common council may, by ordinance, require ^{Fire buckets} the inhabitants of the city to provide such and so many fire buckets for each house or tenement therein, and within such time as they shall prescribe, and may require such buckets to be produced at every fire.

Sec. 178. The common council may regulate and direct the ^{Safeguards} deposits for ashes, and may compel the cleaning of chimneys, ^{against fire.} flues, stovepipes, and all other conductors of smoke; and upon the neglect of the owner or occupant of any house, tenement, or building of any description, having therein any chimneys, flues, stovepipes, or other conductors of smoke, to clean the same, as shall have been directed by any ordinance, the common council may cause the same to be cleansed, and may collect the expense thereof, and ten per cent. in addition, from the owner or occupant whose duty it was to have the same cleaned.

Sec. 179. The common council may regulate the use of lights, and candles in livery stables and other buildings in which combustible articles may be deposited, and may prescribe the use of lanterns or safety lamps in such buildings, and may regulate the transporting, keeping and deposit of gunpowder or other dangerous or combustible materials, and may prevent or regulate the carrying on of manufactories dangerous in causing or promoting fires, and may authorize and direct the removal of any hearth, fireplace, stovepipe, flue, chimney or other conductor of smoke, or any other apparatus or device in which any fire may be used, or to which fire may be applied, that shall be considered dangerous, and liable to cause and promote fires, and generally may adopt such other regulations for the prevention and suppression of fires as they may deem necessary.

Sec. 180. For the purpose of enforcing such regulations, the ^{Enforce-} common council may authorize any of the officers of the ^{ment of reg-} said ^{ulations re-} city, and may appoint persons at all reasonable times, to enter ^{lative to fires.} into and examine all dwelling-houses, buildings and tenements

of every description, and all lots, yards and enclosures, and cause such as are dangerous to be put in safe condition; and may authorize such officers and persons to inspect all hearths, fire-places, stoves, pipes, flues, chimneys, or other conductor of smoke, or any apparatus or device in which fire may be used, or to which fire may be applied, and remove and make the same safe, at the expense of the owner or occupants of the buildings in which the same may be, and to ascertain the number and condition of the fire buckets, and the situation of any building in respect to its exposure to fire, and whether scuttles and ladders thereto have been provided, and generally with such powers and duties as the common council shall deem necessary to guard the city from the calamities of fire.

Fire apparatus.

Sec. 181. The common council may procure, own, build, erect, and keep in repair, such and so many fire engines, with their hose and other apparatus, engine houses, ladders, fire-hooks and fire-buckets, and other implements and conveniences for the extinguishment of fires, and to prevent injuries by fire, and such and so many public cisterns, wells, reservoirs of water, as they from time to time shall judge necessary.

Fire department.

Sec. 182. The common council shall have power to organize said city into as many fire districts as they may deem necessary, and may organize and maintain a fire department for said city, to consist of one chief engineer, two assistant engineers, one warden in each judicial district in said city, a proper number of firemen to each engine, such number of hook and ladder men, and such number of tub and hose men, as may be appointed by the said common council; all to have privileges and exemptions of firemen, and to hold their appointment during the pleasure of the common council.

Rules for government of.

Sec. 183. The common council may make rules and regulations for the government of the said engineers, wardens, firemen, hook and ladder men, and tub and hose men; may prescribe their respective duties in case of fire or alarms of fire; may direct the dresses and badges of authority to be worn by them; may prescribe and regulate the time and manner of

their exercise, and may impose reasonable fines for the breach of any such regulations.

Sec. 184. The chief engineer, under the direction of the common council, shall have the custody and general superintendence of the fire engines, engine houses, hooks, ladders, hose, public cisterns, and other conveniences for the extinguishment and prevention of fires, and it shall be his duty to see that the same are kept in order, and to see that the laws and ordinances relative to the prevention and extinguishment of fires are duly executed, and to make detailed and particular reports of the state of the department, and of the conduct of the firemen, hook and ladder men, tub and hose men, to the common council, at stated periods, to be prescribed by the common council, and to make such reports to the mayor whenever required by him; the certificate of the city clerk that a person is or has been a fireman shall be evidence of the facts in all courts and places, on proof of the genuineness of such certificate. Powers of chief engineer.

Sec. 185. The common council may by ordinance, direct the manner in which the bells in the city shall be tolled or rung in cases of fire or alarms of fire, and may impose penalties for ringing and tolling of such bells in such manner at any other time than during a fire or alarm of fire. Ringing of bells.

Sec. 186. The common council may provide suitable compensation for any injury that any firemen, hook and ladder man, or tub and hose man may receive in his person or property in consequence of his exertions at any fire. Compensation in case of injuries to firemen.

Sec. 187. The common council may by ordinance,

First. Prescribe the duties and powers of the engineers and wardens at fires and in cases of alarms of fire, and may vest in them such powers as shall be deemed necessary to preserve property from being stolen, and to extinguish and prevent fires; Powers and duties of engineer, etc.

Second. Prescribe the powers and duties of the mayor and aldermen at such fires, and in cases of alarm; but in no case shall the mayor or any alderman control or direct the chief engineer or his assistants during any fire; Of mayor and aldermen.

Removal of
disorderly
persons.

Third. Provide for the removal and keeping away from such fires all idle, disorderly, or suspicious persons, and may confer powers for that purpose on the engineers, fire wardens, or officers of the city;

Duties of
citizens.

Fourth. Provide for compelling persons to bring their fire buckets to any place of fire, and to aid in the extinguishment thereof by forming lines and ranks for the purpose of carrying water, and by all proper means to aid in the preservation, removal and securing of property exposed to danger by fire;

Of officers.

Fifth. To compel the marshal, constables and watchmen of the city to be present at such fires, and to perform such duties as the said common council shall prescribe.

Proceedings
in case of
refusal to
obey orders

Sec. 188. Whenever any person shall refuse to obey any lawful order of any engineer, fire warden, mayor or alderman, at any fire, it shall be lawful for the officer giving such order to arrest, or to direct orally a constable, watchman, or any citizen, to arrest such person and confine him temporarily in any safe place, until such fire shall be extinguished; and in the same manner such officers, or any of them, may arrest or direct the arrest and confinement of any person at such fire, who shall be intoxicated or disorderly.

Buildings
may be torn
down.

Sec. 189. Whenever any building in said city shall be on fire it shall be the duty and be lawful for the chief engineer, with the consent of the mayor and one alderman, or of any two aldermen, to order and direct such building, or any other building which they may deem hazardous, and likely to communicate fire to other buildings, or any part of such building, to be destroyed; and no action shall be maintained against any person or against the said city therefor; but any person interested in any such building so destroyed or injured may, within three months thereafter, apply to the common council to assess and pay the damages he has sustained. At the expiration of the three months, if any such application shall have been made in writing, the common council shall either pay to the said claimant such sum as shall be agreed upon by them and the said claimant for such damages, or if no such agreement shall be

Damages
therefor.

effected, shall proceed to ascertain the amount of such damages, and shall provide for the appraisal, assessment, collection and payment of the same in the same manner as is provided by this act for the ascertainment, assessment, collection and payment of damages sustained by the taking of lands for purposes of public improvement.

Sec. 190. The commissioners appointed to appraise and assess the damages incurred by the said claimant by the injury or destruction of such building by the direction of the said officers of the city, as above provided, shall take into account the probability of the same having been destroyed or injured by fire if it had not been so injured or destroyed, and may report that no damage should be equitably allowed to such claimant. Whenever a report shall be made and finally confirmed, in the said proceedings for appraising and assessing the damages, compliance with the terms thereof by the common council shall be deemed a full satisfaction of all said damages of the said claimant. Assessment of damages

Sec. 191. The supervisors of said city shall possess all the powers and authority of directors of the poor of towns in this State, in relation to the support and relief of indigent persons, the binding out of children who shall solicit alms, or who, or whose parents shall become chargeable to the said city, or to the county of Washtenaw, in said city; the safe keeping and care of lunatics; the care of habitual drunkards; the binding out and contracting for the service of disorderly persons; the support of bastards, and all such other powers as are conferred on directors of the poor in the respective towns, and shall be subject to the same duties, obligations and liabilities. Directors the poor

Sec. 192. Until provisions shall otherwise be made as herein-after authorized, the indigent persons, and such others as shall be entitled to relief under the laws of this State, who are or shall become chargeable to the said city, being in the said city, shall continue to be supported and relieved in the manner provided by law in respect to the county of Washtenaw. Support of indigent persons

Duties of directors of the poor.

School inspectors.

Money arising from licenses, etc., to be paid into treasury.

City auditor

Accounts against city.

Duties of attorney.

Tax for purchase of fire engine.

Proviso.

Duties of officers.

Sec. 193. The supervisors of said city shall also be required to perform such duties as are required of directors of the poor in townships; and the duties of school inspectors of said city shall be hereafter performed by the school board of district number four, and the secretary of said board shall make the annual report to the county clerk, in the same manner as the same is required to be made by township school inspectors.

Sec. 194. All money that shall be raised in the said city by licenses to grocers, tavern-keepers, or common victualers, and for penalties for the violation of any city ordinances regulating the retailing of any spirituous liquors, shall be paid into the city treasury, and shall belong to and constitute a part of the fund of said city.

Sec. 195. The city treasurer and city clerk are hereby constituted a board of city auditors, and it shall be their duty to examine and report upon the correctness and validity of all claims against the city, referred to them by the common council.

Sec. 196. The accounts and demands of all persons against the city shall set forth the items thereof in detail, and shall, (unless otherwise ordered,) be immediately referred to the board of city auditors, whose duty it shall be to examine the same, and report to the council upon the validity thereof.

Sec. 197. The attorney or counselor of the city shall perform such duties and exercise such powers as shall be assigned to him by the common council.

Sec. 198. The common council of said city shall have power and are hereby authorized to levy a tax or taxes, and cause the same to be assessed on the taxable property of the first, second and third wards of said city, for the purpose of buying a fire engine and apparatus for the use of said city: *Provided, however,* That no such local tax shall be levied, unless a majority of the aldermen of the said first, second and third wards shall vote for the ordinance levying such tax, as well as a majority of the aldermen of said city.

Sec. 199. The health physician, fire wardens, common criers, pound masters, inspectors of fire-wood and weighmasters, shall

perform such duties, and shall file such securities as the common council shall by ordinance direct.

Sec. 200. The expenses of apprehending, examining and committing offenders against any law of this State, in the said city, and of their confinement, shall be audited, allowed and paid by the supervisors of the county of Washtenaw, in the same manner as if such expenses had been incurred in any town of the said county.

Expenses
apprehend-
ing offend-
ers, how
paid.

Sec. 201. The common council shall have power to pass and enact such by-laws and ordinances as they from time to time shall deem necessary and proper, for the filling up, draining, cleansing and regulating any grounds, yards, basins, slips or cellars, within the said city, that shall be sunken, damp, foul, encumbered with filth and rubbish, or unwholesome, and for filling or altering and amending all sinks and privies within the said city, and for directing the mode of constructing them in future, and to cause all such work as may be necessary for the purpose aforesaid, and for the preservation of the public health and the cleanliness of the city, to be executed and done at the expense of the city, on account of the persons respectively upon whom the same may be assessed, and for that purpose to cause the expenses thereof to be estimated, assessed and collected, and the lands charged therewith to be sold in case of non-payment, in the same manner as is provided by law with respect to other public improvements within said city; and in all cases where the said by-laws or ordinances shall require anything to be done in respect to the property of several persons, the expenses thereof may be included in one assessment, and the several houses and lots in respect to which such expenses shall have been incurred, shall be briefly described in the manner required by law in the assessment roll for the general expenses of the city, and the sum of money assessed to each owner or occupant of any such house or lot shall be the amount of money expended in making such improvement upon such premises, together with a ratable proposition of the expenses of assessing and collecting the moneys expended in

Preserva-
tion of the
public
health.

Expenses
thereof.

making such improvements, together with ten per cent. added thereto.

Unsafe
buildings,
etc., may be
taken down.

Sec. 202. Whenever, in the opinion of the common council, any building, fence or other erection of any kind, or any part thereof, is liable to fall down, and persons or property may be thereby endangered, they may order any owner or occupant of the premises on which such building, fence or other erection stands, to take down the same or any part thereof, within a reasonable time to be fixed by the order, or immediately, as the case may require, or may immediately, or in case the order is not complied with, cause the same to be taken down at the expense of the city, on account of the owner of the premises, and assess the expense on the land on which it stood. The order, if not immediate in its terms, may be served on any occupant of the premises, or be published in the city paper, as the common council shall direct.

Official sure-
ties to be
examined
by mayor,
etc.

Sec. 203. The common council, or the mayor or other officer whose duty it shall be to judge of the sufficiency of the proposed sureties of any officer of whom a bond or instrument in writing may be required under the provisions of this act, shall examine into the sufficiency of such sureties, and shall require them to submit to an examination under oath as to their property; such oath may be administered by the mayor or any alderman of said city. The deposition of the surety shall be reduced to writing, be signed by him, certified by the person taking the same, and annexed to and filed with the bond or instrument in writing to which it relates.

Mayor, etc.,
to adminis-
ter oaths.

Sec. 204. The mayor or chairman of any committee or special committee of the common council, shall have power to administer any oath or take any affidavit in respect to any matter pending before the common council or such committee.

Perjury.

Sec. 205. Any person who may be required to take any oath or affirmation under or by virtue of any provision of this act, who shall, under such oath or affirmation, in any statement or affidavit, or otherwise, willfully swear falsely as to any material act or matter, shall be guilty of perjury.

Sec. 206. If any suit shall be commenced against any person ^{Costs in prosecution of officers.} elected or appointed under this act to any office, for any act done or omitted to be done under such election or appointment, or against any person having done any thing or act by the command of any such officer, and if final judgment be rendered in such suit whereby any such defendant shall be entitled to costs, he shall recover double costs in the manner defined by law.

Sec. 207. All process issued against said city shall run against ^{Process against city, how served} said city in the corporate name thereof, and such process shall be served by leaving a true and attested copy of such process with the mayor, clerk or city attorney of said city, at least ten days before the day of appearance mentioned therein.

Sec. 208. It shall not be necessary, in any process, pleadings ^{Form of process.} or notice, to set out at length any by-law, resolution or ordinance of said city, or any section thereof, but it shall be sufficient to refer to the same by the title, section, and date of approval thereof, in all courts where the same may be used or come in question.

Sec. 209. All former acts and parts of acts, relating to the ^{Certain acts repealed.} city of Ypsilanti, not expressly embodied in or made part of this act, are hereby repealed; but nothing herein contained shall be construed to destroy, impair or take away any right or remedy acquired, or given by any act hereby repealed; and all proceedings commenced under such former act, shall be carried out and completed, and all prosecutions for any offence committed, or penalty or forfeiture incurred, shall be enforced in the same manner in all respects, and with the same effect, as if this act had not been passed; but nothing in this section con- ^{Rights ac- quired, &c., not affected by repeal.} tained shall be so construed as to annul or impair, or affect any ordinance, by-law or resolution of said city, not inconsistent with the provisions of this act, but the same shall continue and be in force until the same are amended or repealed, as fully as though this act had not been enacted. All the rights ^{Rights, &c., of former corporation to vest in city.} of the corporations heretofore known by the name of the village of Ypsilanti, and village of East Ypsilanti, in and to all lands and tenements, hereditaments, market-stalls, goods, chat-

tels, moneys and effects whatsoever, and all other lands, tenements, hereditaments, rights, purchases, privileges, goods, chattels, moneys and effects whereof any person or persons, bodies corporate or politic are possessed, which they or any of them hold or enjoy in trust for and to the use of said village of Ypsilanti and village of East Ypsilanti, be and they are hereby severally and respectively vested in said corporation by this act created, by the name of the common council of the city of Ypsilanti, to and for the use of the same and their successors forever, saving, nevertheless, to all and every person and persons, bodies politic and corporate, his, her and their just rights therein, and all contracts made or agreements entered into by the corporation of the village of Ypsilanti and village of East Ypsilanti, be and the same are hereby made binding and obligatory upon the corporation hereby created, and the said city of Ypsilanti shall be, and hereby is, made liable for all the debts of said village of Ypsilanti and village of East Ypsilanti.

Obligations, &c., assumed by city.

Public act. Sec. 210. This act shall be deemed a public act.

Sec. 211. This act shall take immediate effect.

Approved March 17, 1865.

[No. 215.]

AN ACT to revise the charter of the city of Lansing.

TITLE I.

CITY BOUNDARIES, INCORPORATION AND WARD BOUNDARIES.

SECTION 1. *The People of the State of Michigan enact, That so much of the township of Lansing, in the county of Ingham, as is included in the following description, to wit: All of sections nine, sixteen, twenty-one, ten, fifteen and twenty-two, the east fractional half of section eight, the east half of section seventeen, and the east fractional half of section twenty, be and the same is hereby set off from the said township of Lansing, and declared to be a city, by the name of "the city of Lansing," by which it shall hereafter be known.*

City boundaries.

Corporate name.

Sec. 2. The freemen of said city, from time to time, being inhabitants thereof, shall be and continue a body corporate and politic, to be known and distinguished by the name and title of the city of Lansing, and shall be and are hereby made capable

Incorporation.

of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended in all courts of law and equity, and in all other places whatever; and may have a common seal, which they may alter and change at pleasure, and by the same name shall be and are hereby made capable of purchasing, holding, conveying and disposing of any real and personal estate for said city. May hold and convey real and personal estate.

Sec. 3. The said city shall be divided into four wards, as follows: The first ward shall consist of all that part of said city east and north of Grand river and north of the center line of Shiawassee street, continued from Grand river to the eastern boundary of said city; the second ward shall consist of all that part of said city south of the center line of Shiawassee street, continued east and west to the eastern and western boundaries of said city, and north of the center line of Washtenaw street, continued east and west to the eastern and western boundaries of said city; the third ward shall consist of all that part of said city south of the second ward; the fourth ward shall consist of all that part of said city west and south of Grand river and north of the center line of Shiawassee street, continued from Grand river west to the west line of said city. Ward boundaries: First. Second. Third. Fourth.

TITLE II.

ELECTIONS AND APPOINTMENTS.

Sec. 1. An election shall be held in each ward annually, on the first Monday in April, at such place as the common council shall appoint, and the clerk shall cause printed notices of the holding of said election to be posted, at least six days previous thereto, in three of the most public places in each ward. Common council shall appoint place. Clerk shall give six days notice of annual.

Sec. 2. The common council may order special elections to be held, in which case the clerk shall, twenty days previous thereto, deliver to the inspectors of election, in the ward or wards where such special election is to be held, a notice specifying the officers to be chosen, and the day and place at which such election will be held, and he shall, at least once before the day of such special election, publish said notice in one of the newspapers of the city. Council may order special. Clerk shall give twenty days notice to inspectors. To be published in city paper.

Annual and special, to be conducted as general elections. Sec. 3. Such annual or special election shall be held and conducted in the manner provided by the laws of this State for holding general elections, except as is by this act otherwise provided.

Council to provide ballot boxes. Sec. 4. The common council shall provide two suitable ballot boxes for each ward, with locks and keys, in which to deposit the ballots offered at any election—one for the city tickets and one for the ward tickets. When the elector delivers his ballot there shall appear on the outside of the one containing the city ticket the word "city," and on the outside of the one containing the ward ticket the word "ward," and the inspector shall deposit the ballot in the proper box. If found in the proper box no ballot shall be rejected for want of such indorsement.

Ballots to have "city" or "ward" on outside.

Ballot not to be rejected &c.

Votes canvassed and result declared.

Statement and certificate to be made and filed.

Sec. 5. Immediately after the closing of the polls, the inspectors of election shall, without adjournment, publicly canvass the votes received by them, according to law, and declare the result; and shall, on the same or on the next day, make a certificate, stating the number of votes given for each person for each office, and shall file such statement and certificate, on the day of election or on the next day, with the clerk of the city.

City officers to be elected and their terms of office.

Sec. 6. At each annual election hereafter to be held in said city, there shall be elected on a city ticket one mayor, one recorder, one clerk and one treasurer, who shall hold their offices for one year, and in each ward there shall be elected on a ward ticket one alderman, who shall hold his office for two years, one member of the board of education, who shall hold his office for three years, and one constable, who shall hold his office for one year; and at each fourth annual election after the year eighteen hundred and fifty-nine, one justice of the peace for the first and fourth wards, and one justice of the peace for the second and third wards, who shall hold their offices for four years.

Vacancies, how filled.

Sec. 7. If at any annual election in the said city, there shall be one or more vacancies to be supplied in any office, and at the same time any person is to be elected for the full term of

said office, the term for which each person voted for, for the said office, shall be designated on the ballot.

Sec. 8. The common council of the city for the preceding year shall convene on the Thursday next succeeding each annual election, at two o'clock in the afternoon, at their usual place of meeting, and shall determine and certify, in the manner provided by law, what persons are duly elected at the said election to the several offices, respectively; such certificate shall be made in duplicate, one of which shall be filed with the clerk of the city, and the other with the clerk of the county of Ingham.

Sec. 9. The person receiving the greatest number of votes for any office in said city or ward, shall be deemed to have been duly elected to such office; but if two or more persons shall receive an equal number of votes for any office the common council shall appoint a day (if the candidates be not then present) for the appearance before them of all such persons, for the purpose of determining by lot the right to such office, and shall cause notice thereof to be given to all such persons interested. At the time appointed, such persons shall draw lots for such office before the common council, in the same manner, as near as may be, as is prescribed by law for the drawing of lots by candidates for members of the Legislature, and the person successful in the lot shall be declared duly elected.

Sec. 10. When a vacancy occurs in the office of alderman, or when he refuses or neglects to take the oath of office, or when his election is declared void by a proper tribunal, the common council shall immediately appoint a special election to be held in the ward for which such officer was chosen, at some suitable place therein, not less than seventeen nor more than twenty-one days from the time of such appointment: *Provided*, That in case any such vacancy shall occur in the said office of alderman within three months before the first Monday of April in any year, it shall be optional with the common council to order a special election or not, as they shall deem expedient.

Clerk to notify officers.

Sec. 11. It shall be the duty of the clerk of said city as soon as practicable, and within five days after the election or appointment of any officer or officers, to notify such officers respectively of their election or appointment; and the said officers so notified as aforesaid, shall within ten days after such notice, take the oath of office prescribed by the constitution of this State, before some officer authorized by law to administer oaths, and file the same, together with his official bond, if any be required, in the clerk's office of said city.

Officers to qualify.

Officers to be appointed by common council

Sec. 12. The common council shall, on the first Monday in May, or as soon thereafter as may be, in the year eighteen hundred and sixty-five, and every third year thereafter, appoint one assessor who shall hold his office for three years, also one attorney, one marshal, one auditor, one city surveyor, and so many watchmen, fire wardens, pound masters, inspectors of fire wood, weigh masters and auctioneers as they shall from time to time deem necessary, and such other officers as may be necessary to carry into effect the powers granted by this act, who shall hold their offices for one year; and the common council may by ordinance prescribe their duties in addition to those defined in this act.

Council may prescribe additional duties.

Neglect to qualify deemed a vacancy.

Sec. 13. If any person elected or appointed under this title, shall not take and subscribe the oath of office, and file the same as therein directed, or shall not cause a notice of acceptance to be filed as therein directed, or if required by the common council to execute an official bond or undertaking, shall neglect to execute and file the same, in the manner and within the time prescribed by the common council, such neglect shall be deemed a refusal to serve, unless before any step is taken to fill any such office by another incumbent, such oath shall be taken, such acceptance be signified, and such bond executed and filed as aforesaid.

Clerk to furnish council with list of electors.]

Sec. 14. At the expiration of twenty days after any election or appointment of any officer or officers in the said city, the clerk of the said city shall deliver to the common council a list of the persons elected or appointed, and of the office to which

they are chosen therein, specifying such as shall have filed with him the oath of office, notice of acceptance, and bond required by this act, and such as shall have failed to file the same within the time herein prescribed.

Sec. 15. In case a vacancy shall occur in any of the offices in this act declared to be elective or appointive, except alderman, the common council may, in their discretion, fill such vacancy by the appointment of a suitable person; and any officer appointed to fill a vacancy, if the office is elective, shall hold by virtue of such appointment, only until the first Monday of May next succeeding; if an elective office which shall have become vacant was one of that class whose term of office continue after the next annual election, a successor for the unexpired term shall be elected at the next annual election.

Vacancies other than aldermen may be supplied by council only until first Monday of May next.

Sec. 16. Any person elected or appointed to any office under this act, at the expiration of the term thereof, shall continue to hold the same until his successor shall be elected or appointed and qualified; and when a person is elected to fill a vacancy in any elective office, he shall hold the same only during the unexpired portion of the regular term limited to such office, and until his successor shall be elected and qualified.

Officers to hold until successors qualify.

Sec. 17. No person shall be eligible to any city office unless he shall then be an elector and resident of said city, nor shall he be eligible to any office for any ward or district, unless he shall then be an elector and resident of such ward or district, and no person shall be eligible to the office of recorder unless he shall be of the degree of attorney and counselor at law of the supreme court of this State.

Recorder must be attorney at law.

Sec. 18. Any officer appointed by the common council may be removed from office for official misconduct or for the unfaithful or insufficient performance of the duties of his office; but notice of the charges against him and an opportunity of being heard in defense shall first be given.

Officers appointed may be removed by council, etc.

Sec. 19. Resignations by any officer authorized to be chosen or appointed by this act, shall be made to the common council, subject to their approval and acceptance.

Resignations.

Election expenses a ward charge. Sec. 20. The expenses of any election held as provided by this act or by the laws of the State, shall be a ward charge, and paid from the ward fund.

Officers elected when to enter upon duties. Sec. 21. All officers elected as hereinbefore provided, shall enter upon the duties of their respective offices on the first Monday of May next following such election, unless otherwise herein provided.

TITLE III.

POWERS AND DUTIES OF THE COMMON COUNCIL.

Common council. Regular and special meetings, how appointed. Sec. 1. The mayor and aldermen of said city shall constitute the common council. They shall meet at such times and places as they shall from time to time appoint; and on special occasions, whenever the mayor, or person officiating as mayor, (in case of vacancy in the office of mayor, or of his absence from the city, or inability to officiate,) shall by written notice appoint, and which shall be served on the members in such manner and for such time as the common council may by ordinance direct.

Majority a quorum, etc. Sec. 2. A majority of the common council shall be a quorum for the transaction of business, but no tax or assessment shall be ordered except by a two-thirds vote of all the members of said common council elect; nor shall any appointment of any officer under this act, be made, except by a majority vote of all the members of said council elect, by and with the consent of the mayor; and the common council shall prescribe the rules for its proceedings.

Meetings to be public and minutes to be open for inspection. Sec. 3. The sittings of the common council shall be public, except when the public interests shall, in their opinion, require secrecy. The minutes of the proceedings shall be kept by the clerk, and the same shall be open at all times for public inspection.

Who may vote. Sec. 4. In the proceedings of the common council each member present shall have one vote, except the mayor, or officer discharging the duties of mayor, who shall have only a casting vote when the votes of the other members are equally divided.

Sec. 5. Whenever required by two members, the votes of <sup>Two mem-
bers may
require all
votes to be
entered on
the min-
utes.
All votes in-
volving
money or
tax must be
entered on
the minutes</sup> all the members of the common council, in relation to any act, proceeding or proposition, had at any meeting, shall be entered at large on the minutes; and such votes shall also be entered in relation to the adoption of any resolution or ordinance, report of a committee, or other act, for taxing or assessing the citizens of said city, or involving the appropriation of public moneys.

Sec. 6. No member of the common council shall, during the period for which he was elected, be appointed to, or be competent to hold any office, of which the emoluments are paid from the city treasury, or paid by fees directed to be paid by any act or ordinance of the common council, or be directly or indirectly interested in any contract, as principal, surety or otherwise, the expenses or consideration whereof are to be paid under any ordinance of the common council; but this section shall not be construed to prevent the mayor or clerk from receiving any salary which may be fixed by the common council, nor from holding any office, nor to deprive any alderman of any emoluments or fees to which he may be entitled by virtue of his office. <sup>Aldermen
may not
hold any
paid city
office, nor
be a party
to any city
contract.</sup>

Sec. 7. The common council, in addition to the powers and duties especially conferred upon them in this act, shall have the <sup>General
powers of
common
council.</sup> management and control of the finances, rights and interests, buildings, and all property, real and personal, belonging to the city, and may make such orders and by-laws relating to the same as they shall deem proper and necessary; and further, that they shall have power within said city to enact, make, continue, establish, modify, amend and repeal such ordinances, by-laws and regulations, as they deem desirable within said city, for the following purposes:

First. To prevent vice and immorality, to preserve public ^{Public peace} peace and good order, to regulate the police of the city, to prevent and quell riots, disturbances and disorderly assemblages;

Second. To restrain and prevent disorderly and gambling <sup>To restrain
gambling.</sup> houses, and houses of ill-fame, all instruments and devices

used for gambling, and to prohibit all gambling and fraudulent devices, and regulate or restrain billiard tables and bowling alleys;

To prevent
drunkards.

Third. To forbid and prevent the vending or other disposition of liquors and intoxicating drinks, in violation of the laws of this State, and to forbid the selling or giving, to be drank, any intoxicating liquors to any child or young person, without the consent of his or her parent or guardian, and to prohibit, restrain and regulate the sale of all goods, wares and personal property at auction, except in cases of sales authorized by law, and to fix the fees to be paid by and to auctioneers;

To prevent
or regulate
auctions.

To prevent
or regulate
shows, &c.

Fourth. To prohibit, restrain and regulate all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses, or other public performances and exhibitions for money;

To abate
nuisances.

Fifth. To abate or remove nuisances of every kind, and to compel the owner or occupant of any grocery, tallow-chandler's shop, butcher's stall, soap factory, tannery, stable, privy, hog pen, sewer, or other offensive or unwholesome house or place, to cleanse, remove, or abate the same, from time to time, as often as they may deem necessary for the health, comfort and convenience of the inhabitants of said city;

Slaughter-
houses, etc.

Sixth. To direct the location of all slaughter houses, markets, and buildings for storing gunpowder, or other combustible substances;

Bonfires,
firearms,
gunpowder,
etc.

Seventh. Concerning the buying, carrying, selling and using gunpowder, fire-crackers or fire-works, manufactured or prepared therefrom, or other combustible materials, and the exhibition of fire-works, and the discharge of fire-arms, and the lights in barns, stables and other buildings, and to restrain the making of bonfires in streets and yards;

Cumbering
of streets,
etc.

Eighth. To prevent the cumbering of streets, side-walks, cross-walks, lanes, alleys, bridges, aqueducts, wharves or slips, in any manner whatever;

Racing and
fast driving.

Ninth. To prevent and punish horse racing and immoderate driving or riding in any street, or over any bridge, and to au-

thorize the stopping and detaining any person who shall be guilty of immoderate driving or riding in any street or over any bridge;

Tenth. To restrain and regulate the use of locomotives, engines and cars upon the railroads within the city; Railroads.

Eleventh. To prohibit or regulate bathing in any public water, and to provide for cleansing Grand and Cedar rivers of driftwood and other obstructions within the city limits; Bathing.

Twelfth. To restrain and punish drunkards, vagrants, mendicants, street beggars, and persons soliciting alms or subscriptions for any purpose whatever; Drunkards, etc.

Thirteenth. To establish and regulate one or more pounds, and to restrain and regulate the running at large of horses, cattle, swine and other animals, geese and poultry, and to authorize the impounding and sale of the same for the penalty incurred, and the costs of keeping and impounding; Pounds and restraining animals.

Fourteenth. To regulate and prevent the running at large of dogs, to impose taxes on the owners of dogs, and to prevent dog fights in the streets; Dogs and dog fights.

Fifteenth. To prohibit any person from bringing and depositing within the limits of said city, any dead carcass or other unwholesome or offensive substances, and to require the removal or destruction thereof, if any person shall have on his premises such substances, or any putrid meats, fish, hides or skins of any kind, and on his default, to authorize the removal or destruction thereof by some officer of the city; Nuisances, etc.

Sixteenth. To regulate the ringing of bells, and the crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the streets; Ringings of bells and other noises.

Seventeenth. To prescribe the powers and duties of watchmen, and the fines and penalties for their delinquencies; Regulating watchmen.

Eighteenth. To regulate and establish the line upon which buildings may be erected upon any street, lane or alley in said city, and to compel such buildings to be erected upon such line, by fine upon the owner or builder thereof, not to exceed five hundred dollars; To establish line for buildings on streets, etc.

- Burial of the dead, etc.** *Nineteenth.* To regulate the burial of the dead, and to compel the keeping and return of bills of mortality;
- To regulate markets.** *Twentieth.* To establish, order and regulate the markets; to regulate the vending of wood, meats, vegetables, fruit, fish, and provisions of all kinds, and prescribe the time and place for selling the same, and the fees to be paid by butchers for license: *Provided*, That nothing herein contained shall authorize the common council to restrict in any way the sale of fresh and wholesome meats by the quarter within the limits of the city;
- Proviso.**
- Water and reservoirs.** *Twenty-first.* To supply the city with water, to establish, regulate and preserve public reservoirs, wells and pumps, and to prevent the waste of water;
- License and fees of sexton, carmen, hacks, etc.** *Twenty-second.* To regulate sextons and undertakers for the burying of the dead, carmen and their carts, hackney carriages and their drivers, omnibuses and their drivers, scavengers, porters and chimney sweeps, and their fees and compensation, and the fees to be paid by them into the city treasury for license;
- To prevent runners for travel.** *Twenty-third.* To prevent runners, stage drivers and others, from soliciting passengers and others to travel or ride in any stage, omnibus, or upon any railroad, or to go to any hotel, or other wheres;
- Lighting streets, etc.** *Twenty-fourth.* Concerning the lighting of the streets and alleys, and the protection and safety of public lamps;
- Hawkers, peddlers and pawn-brokers.** *Twenty-fifth.* To regulate and restrain hawking and peddling in the streets, and to regulate pawnbrokers;
- Council shall prescribe duties, compensation, etc.** *Twenty-sixth.* To prescribe the duties of all officers appointed by the common council, and their compensation, and the penalty or penalties for failing to perform such duties, and to prescribe the bonds and sureties to be given by the officers of the city for the discharge of their duties, and the time for executing the same, in cases not otherwise provided for by law;
- Waters, low grounds and drains.** *Twenty-seventh.* To preserve the salubrity of the waters of Grand river, or other streams within the limits of the said city; to

fill up all low grounds or lots covered or partially covered with water, or to drain the same as they may deem expedient;

Twenty-eighth. To prescribe and designate the stands for ^{Cart, hack, hay and wood stands} carriages of all kinds which carry persons for hire, and carts and carters, and to prescribe the rates of fare and charges, and the stand or stands for wood, hay and produce exposed for sale in said city;

Twenty-ninth. To compel all persons to keep side-walks in ^{Side-walks to be kept clear.} front of premises owned or occupied by them, clear from snow, dirt, wood or obstructions.

Sec. 8. The common council shall have and exercise in and ^{Taverns, groceries, eating houses and saloons subject to general laws, unless limited by ordinance.} over said city the same powers in relation to the regulation of taverns, groceries, common victualers, saloon keepers and others, as are now or may hereafter be conferred by the general laws of this State upon township boards, or upon corporate authorities of cities and villages in relation to tavern keepers and common victualers, and subject to the same conditions and limitations; and the general laws of this State now in force, or which may hereafter be enacted, in relation to the regulation of taverns, groceries and common victualers, shall be deemed applicable to this city, unless otherwise limited.

Sec. 9. No person shall engage in or exercise the business ^{who must be licensed.} or occupation of tavern-keeper, inn-holder, common victualer, or saloon-keeper, within the limits of said city, until he is first licensed as such by the common council; and any person who ^{Penalty for neglect.} shall assume to exercise such business or occupation, without having first obtained such license, shall forfeit and pay for every day he shall so exercise such occupation or business, the sum of two dollars to be recovered by action of debt, in the name of the city of Lansing, before any justice of the peace of said city, together with the costs of prosecution.

Sec. 10. The common council shall have power to grant ^{Council to regulate fees for licenses.} licenses, to authorize persons to exercise the business of tavern keeper, inn holder, common victualer, or saloon keeper, within said city, and may impose such fees to be paid into the city treasury on the granting of such license, as they may see fit.

Mill-race
may be or-
dered cov-
ered.

Sec. 11. The common council shall also have power, by ordinance or otherwise, to require the owners or occupants of any mill race within the said city, to cover the same with bridges or arches, to be constructed with such materials as the common council shall direct; or they may direct the same to be covered in the same manner that other public improvements are directed to be made.

If at ex-
pense of
city, owner
shall pay,
with costs,
etc.

Sec. 12. Whenever the owner or occupant of any mill race shall refuse or neglect, within such time as the common council shall have appointed, to cover such mill race in the manner and with the materials by them directed, it shall be lawful for the common council to cause the same to be done at the expense of the city, and to recover the expenses thereof, with damages at the rate of ten per cent., with costs of suit, from such owner or occupant.

Council may
build for
city, watch-
house, hall
and markets

Sec. 13. The common council shall have power, whenever in their opinion the necessities of the city require, to construct a city watch-house, city hall, and city market or markets, and to appoint the keepers, clerks, and necessary officers thereof; and may locate such city watch-house, city hall, and city market or markets within or without the city limits, and may make such regulations concerning the same as the common council may think proper.

City ceme-
tery beyond
corporate
limits.

Sec. 14. The common council shall have power to purchase and to hold a suitable lot or lots of land, within or without the corporation limits, for the purpose of a city cemetery or cemeteries; and they shall make such rules and regulations regarding the same as they may deem necessary, and may cause the same to be surveyed into suitable lots, and may dispose of the same to purchasers, and thereupon cause to be executed to such purchaser a good and sufficient deed, in the corporate name of said city, which deed shall be signed by the mayor and clerk.

Potters'
field.

Sec. 15. The common council shall have power to purchase a potter's field, within or without the city limits, for the burial

of the city poor, and may make such rules and regulations concerning the same as they may deem necessary.

Sec. 16. Where, by the provisions of this act, the common council have authority to pass ordinances on any subject, they may prescribe a penalty not exceeding one hundred dollars, (unless the imposition of a greater penalty be herein otherwise provided,) for a violation thereof, and may provide that the offender, on failing to pay the penalty imposed, shall be imprisoned in the county jail of Ingham county, for any term not exceeding ninety days, which penalties may be sued for and recovered, with costs, in the name of the city of Lansing.

Sec. 17. No ordinance of the common council imposing a penalty shall take effect until after the expiration of at least three days after the first publication thereof in a newspaper published in said city.

Sec. 18. A record or entry made by the clerk of the said city, or a copy of such record or entry duly certified by him, shall be *prima facie* evidence of the time of such first publication; and all laws, regulations and ordinances of the common council may be read in evidence in all courts of justice, and in all proceedings before any officer, body or board in which it shall be necessary to refer thereto, either,

First. From a copy certified by the clerk of the city, with the seal of the city of Lansing affixed; or,

Second. From the volume of ordinances printed by authority of the common council.

Sec. 19. Whenever the common council are required by law to make publication of any notices, ordinances, or resolutions or proceedings, in one or more newspapers of the said city, it shall be deemed sufficient to publish the same in any daily or weekly newspaper published in said city.

Sec. 20. On the last Tuesday in the month of April, in each year, the common council shall audit and settle the accounts of the city treasurer, and the accounts of all other officers and persons having claims against the city or accounts with it; and shall make out a statement in detail of the receipts and expen-

Detailed
statement
to be made.

ditures of the corporation during the preceding year, in which statement shall be clearly and distinctly specified the several items of expenditure made by the common council, the objects and purposes for which the same were made, and the amount of money expended under each; the amount of taxes raised for the general contingent expenses; the amount raised for lighting and watching the city; the amount of highway taxes and assessments; the amount of assessment for opening, paving, planking, repairing and altering streets, and building and repairing bridges; the amount borrowed on the credit of the city, and the terms on which the same was obtained, and such other information as shall be necessary to a full understanding of the financial concerns of the city.

Statement
to be pub-
lished.

Sec. 21. The said statement shall be signed by the mayor and clerk, and filed with the papers of the city; and the same shall be published by the clerk, at the expense of the city, in some newspaper thereof, to be designated by the common council, previous to the first day of May thereafter.

Veto of or-
dinance by
mayor.

Sec. 22. No ordinance or resolution passed by the common council shall have any force or effect, if on the day of its passage, or on the next day thereafter, the mayor, or other officer legally discharging the duties of mayor, shall lodge in the office of the city clerk a notice in writing, suspending the immediate operation of such ordinance or resolution. If the mayor, or other officer legally exercising the office of mayor, shall, within twenty-four hours after the passage of such ordinance or resolution, lodge in the office of the city clerk his reasons in writing why the same should not go into effect, the same shall not go into effect, nor have any legal operation, unless it shall at a subsequent meeting of the common council, be passed by a majority of two-thirds of all the members of the common council then in office, exclusive of the mayor or other officer legally discharging the duties of mayor; and if so re-passed, shall go into effect according to the terms thereof. If such reasons in writing shall not be lodged with the clerk, as above provided, such ordinance or resolution shall have the

Veto of
mayor, how
set aside.

same operation and effect as if no notice suspending the same had been lodged with the city clerk, and no ordinance or resolution of the common council, for any of the purposes mentioned in this section, shall go into operation until after the expiration of twenty-four hours after its passage.

Sec. 23. It shall be the duty of the city clerk to communicate to the common council, at the next meeting of the board, any paper that may be lodged with him pursuant to the last preceding section.

Clerk's duty to notify council of votes, etc.

TITLE IV.

OF THE CITY OFFICERS.

Sec. 1. The mayor shall be president of the council and shall preside at all its meetings; but when absent the recorder shall preside; and if both mayor and recorder be absent, then the council may appoint one of its members who shall preside.

Mayor and his duties. Recorder, when to preside as mayor. Council, a member to preside.

Sec. 2. It shall be the duty of the mayor to take care that the laws of the State, and the ordinances of the common council, be faithfully executed; to exercise a constant supervision and control over the conduct of all subordinate officers, and to receive and examine into all complaints against them for neglect of duty; to recommend to the common council such measures as he shall deem expedient to expedite such as shall be resolved upon by them, and in general, to maintain the peace and good order, and advance the prosperity of the city.

Duties of mayor.

Sec. 3. The mayor and aldermen, by virtue of their respective offices, shall be conservators of the public peace, and as such, shall each have and exercise all the power and authority of justices of the peace in criminal cases, and in enforcing the laws of this State, relating to the police thereof, but shall have no jurisdiction of civil cases, other than such as by this act shall be expressly conferred upon them, or either of them.

Mayor and aldermen to conserve public peace

Sec. 4. The recorder shall have the same powers, and perform and discharge the municipal duties of mayor during the

Recorder, his powers, deliberative and judicial

absence, inability, death, resignation or removal of the mayor, and shall be entitled to a seat within the common council for the purposes of deliberation and of acting on committees, but shall have no vote therein, except when performing the duties of mayor; he shall also have power to hold a recorder's court, and which court shall be a court of record, having common law jurisdiction, and he shall have the power, and may exercise the jurisdiction in all cases arising within the limits of said city, which is now or may hereafter be conferred upon the judges of the circuit courts of the State, or circuit court commissioners, in cases of proceedings to recover possession of land in certain cases, by chapter one hundred and thirty-three of the revised statutes, and the amendments thereof; and also, in cases of habeas corpus and certiorari, to inquire into causes of detention, by chapter one hundred and thirty-four of said revised statutes, and also of all proceedings under title twenty-seven of the said revised statutes, entitled "of the punishment of fraudulent debtors," and in the exercise of such jurisdictions shall be entitled to demand and receive the same fees for the services so rendered, as are now or may hereafter be allowed to circuit court commissioners for like services; but nothing in this act contained shall be construed to confer any power not specifically mentioned and conferred on such court, except for the punishment of contempts and the naturalization of aliens.

Fees.

Clerk and
his duties.

Sec. 5. The clerk shall keep the corporate seal, and all the papers and files belonging to said city as a corporation, not properly by this act in the custody of some other officer thereof, and shall make minutes of the proceedings of the common council, whose meetings it shall be his duty to attend; and copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the common council, certified to by him under the corporate seal, shall be evidence in all places, when produced, of the matters therein contained; he shall countersign all licenses granted for any purpose whatever by the mayor or common council, and shall enter in an appropriate book the name of every person to whom a license shall

be granted, and the number of such license, and the date thereof, and the time during which it is to be continued in force, and the sum paid for such license. No license for any purpose granted shall be valid until thus countersigned by the clerk. Must countersign all licenses.

Sec. 6. The clerk shall draw his warrant on the treasurer for all moneys appropriated or ordered by the common council to be paid, specifying in such order the purpose of such appropriation, and the fund from which it shall be paid; and the clerk shall keep an accurate account, under appropriate heads, of all expenditures, of all orders drawn upon the treasury, in a check book to be kept by him for that purpose. Must draw all warrants on the treasurer. And keep account of all orders.

Sec. 7. The clerk shall be the sealer of weights and measures of the said city, and shall perform all the duties of township clerk, so far as the same applies to the sealing of weights and measures, and the laws of this State relating to the sealing of weights and measures shall apply to the said city. Shall be sealer of weights and measures.

Sec. 8. The clerk shall publish at least one week in a newspaper printed in the city, all the ordinances of the common council, for the violation of which any penalty may be imposed, and all votes, ordinances and resolutions, directing the payment of money, shall be published at least once in like manner, within eight days after the passage of such vote, ordinance or resolution; he shall also perform such other duties as this act shall direct, or which may be directed by ordinance of the common council. Shall publish all ordinances of the council within eight days. Other duties.

Sec. 9. The treasurer shall receive all moneys belonging to the city, and shall collect all taxes levied or assessed in the city, and for that purpose he shall give bond to said city in such sum and with such surety or sureties as the common council shall require and approve; and such treasurer shall also give to the treasurer of the county of Ingham such further security as is or may hereafter be required by law of the several township treasurers of the several townships of this State; and for the purposes of the collection and return of all taxes, and the return of property delinquent for the non-payment of taxes, the Treasurer & his duties. To give bonds to city and county.

said treasurer on giving the bonds or surety so required, shall possess all the powers, and perform all the duties, of the several township treasurers of this State, as prescribed by law, and shall also perform such other duties, respecting the collection and return of taxes, as this act imposes. •

To report to
council
monthly.

Sec. 10. The treasurer shall, at the first regular meeting of the common council in each month, make report of the finances of said city, showing what appropriations and payments have been made out of each of the several funds of said city since his last preceding report, and of the state of each of said funds.

His books to
be open to
inspection.

The books and accounts of the treasurer shall, at reasonable hours, be open to the inspection of any elector of said city;

To make an-
nual state-
ment.

the treasurer shall exhibit to the common council, at the last regular meeting in the month of April, a full and fair account of the receipts and expenditures after the date of his or the last annual report, and also the state of the treasury, which account shall be referred to a committee for examination, and if found to be correct shall be filed.

Duties of
alderman

Sec. 11. It shall be the duty of every alderman in said city, to attend the regular and special meetings of the common council; to act upon committees when thereunto appointed by the mayor or common council; to order the arrest of all persons violating the laws of this State, or the ordinances, by-laws or police regulations; to report to the mayor all subordinate officers who are guilty of any official misconduct or neglect of duty; to maintain peace and good order, and to perform all other duties required of them by this act.

To be super-
visor and
member of
county
board.

Sec. 12. That alderman in each ward of said city whose term of office shall soonest expire, shall be the supervisor within and for his ward for the last year of his term and shall have and exercise within his ward, all the powers, authority and functions of supervisors of towns as now provided, or may hereafter be provided by law, except as herein otherwise provided; and each of them shall be members of the board of supervisors of the county of Ingham, and as such shall be entitled to the same compensation, and shall be paid in the same manner,

and they shall perform as supervisors such other duties as by this act shall be required of them

Sec. 13. The justices of the peace of said city shall file their oaths of office in the office of the clerk of the county of Ingham, and shall have, in addition to the jurisdiction conferred by this act on them, the same jurisdiction, powers and duties conferred on justices of the peace in townships. Justices of the peace.

Sec. 14. In addition to the security now required by law to be given by justices of the peace, each of the justices of the peace shall, before entering upon the duties of his office, execute a bond to the city of Lansing, with one or more sufficient sureties, to be approved by the mayor of said city, which approval shall be endorsed on said bond, in the penalty of one thousand dollars, conditioned for the faithful performance of his duties as a police justice of said city, and to pay over the moneys so collected and make his report as in this act required. To give bonds as police justice.

Sec. 15. It shall be the duty of the justices of the peace of said city to keep their offices in said city, and attend to all complaints of a criminal nature which may properly come before them, and they shall receive for their services when engaged in cases for the violation of the ordinances of said city, such fees as the common council shall by ordinance prescribe. Criminal duties and compensation.

Sec. 16. All fines, penalties or forfeitures, recovered before any of said justices, for violation of any city ordinance, shall, when collected, be paid into the city treasury, and each of said justices shall report on oath to the common council, at the first regular meeting thereof in each month, during the term for which he shall perform the duties of such justice, the number and name of every person against whom judgment shall have been rendered for such fine, penalty or forfeiture, and all moneys by him received for and on account thereof, which moneys so received, or which may be in his hands, collected on such fine, penalty or forfeiture, shall be paid into the said city treasury on the first Monday of each and every month during the time such justice shall exercise the duties of said office; To pay fines into city treasury and report to council on oath.

absence, inability, death, resignation or removal of the mayor, and shall be entitled to a seat within the common council for the purposes of deliberation and of acting on committees, but shall have no vote therein, except when performing the duties of mayor; he shall also have power to hold a recorder's court, and which court shall be a court of record, having common law jurisdiction, and he shall have the power, and may exercise the jurisdiction in all cases arising within the limits of said city, which is now or may hereafter be conferred upon the judges of the circuit courts of the State, or circuit court commissioners, in cases of proceedings to recover possession of land in certain cases, by chapter one hundred and thirty-three of the revised statutes, and the amendments thereof; and also, in cases of habeas corpus and certiorari, to inquire into causes of detention, by chapter one hundred and thirty-four of said revised statutes, and also of all proceedings under title twenty-seven of the said revised statutes, entitled "of the punishment of fraudulent debtors," and in the exercise of such jurisdictions shall be entitled to demand and receive the same fees for the services so rendered, as are now or may hereafter be allowed to circuit court commissioners for like services; but nothing in this act contained shall be construed to confer any power not specifically mentioned and conferred on such court, except for the punishment of contempts and the naturalization of aliens.

Fees.

Clerk and
his duties.

Sec. 5. The clerk shall keep the corporate seal, and all the papers and files belonging to said city as a corporation, not properly by this act in the custody of some other officer thereof, and shall make minutes of the proceedings of the common council, whose meetings it shall be his duty to attend; and copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the common council, certified to by him under the corporate seal, shall be evidence in all places, when produced, of the matters therein contained; he shall countersign all licenses granted for any purpose whatever by the mayor or common council, and shall enter in an appropriate book the name of every person to whom a license shall

which shall remain in his hands after such notice as aforesaid, first deducting the charges of said notice of sale.

Sec. 20. The constables of said city shall have and receive the same fees, and have the like powers and authority in matters of civil and criminal nature, as is conferred by law upon constables in the several towns of this State, and shall give like security. Constables, duties, securities and fees.

Sec. 21. The city constables shall obey the orders of the mayor and aldermen, or of any person legally exercising the criminal jurisdiction of a justice of the peace in said city, in enforcing the laws of the State or the ordinances of said city, and in case of refusal or neglect so to do, he or they shall be subject to a penalty of not less than one nor more than twenty-five dollars. To obey mayor, etc. Penalty for disobeying

Sec. 22. The annual assessment of property in the several wards shall be made by the city assessor, as herein provided. He shall be entitled to a seat on the board of supervisors, for the purpose of deliberation and debate, and may act on committees, but shall have no vote. For such services he shall be entitled to the same pay as a supervisor. City assessor to make annual assessment etc.

Sec. 23. The attorney or counselor of the city shall perform such duties and exercise such powers as shall be assigned to him by the common council, by an ordinance duly enacted. City attorney.

Sec. 24. The city marshal shall be superintendent of the city, and it shall be his duty to superintend, under the general direction of the common council, all work to be done or performed, ordered or required to be done or performed, upon or in relation to any of the public streets, walks, bridges, sewers or public pumps, reservoirs, or grounds of said city, and to perform such other duties as by this act, or the ordinances or resolutions of the common council, shall be required. He may also serve all process that may issue from any court or magistrate of said city or that may be issued by the recorder or recorder's court of said city, the same as any constable or the sheriff of the county of Ingham, and with the same power and authority. In the absence of the marshal, or his inability to serve, any constable City marshal, duties and powers of. Constable may act as marshal

said treasurer on giving the bonds or surety so required, shall possess all the powers, and perform all the duties, of the several township treasurers of this State, as prescribed by law, and shall also perform such other duties, respecting the collection and return of taxes, as this act imposes. •

To report to council monthly.

Sec. 10. The treasurer shall, at the first regular meeting of the common council in each month, make report of the finances of said city, showing what appropriations and payments have been made out of each of the several funds of said city since his last preceding report, and of the state of each of said funds.

His books to be open to inspection.

The books and accounts of the treasurer shall, at reasonable hours, be open to the inspection of any elector of said city; the treasurer shall exhibit to the common council, at the last regular meeting in the month of April, a full and fair account of the receipts and expenditures after the date of his or the last annual report, and also the state of the treasury, which account shall be referred to a committee for examination, and if found to be correct shall be filed.

Duties of aldermen

Sec. 11. It shall be the duty of every alderman in said city, to attend the regular and special meetings of the common council; to act upon committees when thereunto appointed by the mayor or common council; to order the arrest of all persons violating the laws of this State, or the ordinances, by-laws or police regulations; to report to the mayor all subordinate officers who are guilty of any official misconduct or neglect of duty; to maintain peace and good order, and to perform all other duties required of them by this act.

To be supervisor and member of county board.

Sec. 12. That alderman in each ward of said city whose term of office shall soonest expire, shall be the supervisor within and for his ward for the last year of his term and shall have and exercise within his ward, all the powers, authority and functions of supervisors of towns as now provided, or may hereafter be provided by law, except as herein otherwise provided; and each of them shall be members of the board of supervisors of the county of Ingham, and as such shall be entitled to the same compensation, and shall be paid in the same manner,

to the Commissioner of the State Land Office, and it shall be the duty of the said Commissioner, on such application, to make out and deliver to the said assessor a correct list and description of all such State lands, within the limits of the said city, which list shall be filed by the said assessor and kept in his office, and so much thereof as shall be situated in any of the wards of the said city shall be enrolled in a separate part of the assessment roll of such ward; under the title of "State lands," and if occupied, shall be assessed to the occupant or occupants thereof, but if not occupied shall be assessed as non-resident.

Assessor shall file list
"State Lands" to be assessed in the ward where located.

Sec. 3. On the first Saturday in August the assessor shall be present in his office for the purpose of reviewing his assessments in the several wards, according to law, and he shall cause printed notices thereof to be posted in three of the most public places in each ward, at least one week previous thereto.

Review of rolls to be at Saturday in August, at assessors office.

Sec. 4. It shall be the duty of the common council of said city, on the first Monday after the board of supervisors of the county of Ingham shall have completed the equalization of the valuation of the property in the wards of the city and townships of the county for such year, or as soon thereafter as may be, to determine by resolution the amount necessary to be raised by tax for city and ward purposes, including highways, for such year, and to apportion the amount so to be raised amongst the several wards of the city, according to the valuation of the property in the assessment rolls as equalized by the board of supervisors, which apportionment shall be entered at large on the minutes; and it shall be the duty of the assessor to levy the sums so apportioned to the respective wards, and such other taxes as may be required by law, upon the taxable property of each ward, in the same manner as taxes for township purposes are required by law to be levied by the supervisors of the townships of this State.

Common council shall fix and apportion taxes on first Monday after equalization by board of supervisors, (or soon as may be thereafter.)
Apportionment to be entered on minutes.
Assessor to levy the sums apportioned, and other taxes.

Sec. 5. The assessor shall make and complete the tax rolls of the several wards of the city, and shall deliver them, with the warrant for the collection thereof, to the supervisors of the

Assessor shall make tax rolls, etc.

and for any neglect in this particular, he may be suspended or removed, as hereinafter provided.

Duties in relation to stolen property.

Sec. 17. It shall be the duty of each justice of the peace, at the first regular meeting of the common council, in each of the months of August, November, February and May, in every year, to account on oath before the common council, for all such moneys, goods, wares and merchandise, seized as stolen property, as shall then remain unclaimed in the offices of either of said justices of the peace, and immediately thereafter to give notice for four weeks, in one of the public newspapers printed in said city, to all persons interested or claiming such property: *Provided, always,* That if any goods, wares, merchandise or chattels of a perishable nature, or which shall be expensive to keep, shall at any time remain unclaimed in the offices of either of said justices, it shall be lawful for such justice to sell the same at public auction, at such time, and after such notice, as to him and the said common council shall seem proper.

When to deliver stolen goods to owner.

Sec. 18. It shall be the duty of each of the justices of the peace aforesaid, who may recover or obtain possession of any stolen property, on his receiving satisfactory proof of property from the owner, to deliver such property to the owner thereof, on his paying all necessary and reasonable expenses which may have been incurred in the recovering, preservation or sustenance of such property, and the expenses of advertising the same.

When to sell stolen goods at auction.

Sec. 19. It shall be the duty of each of the justices of the peace aforesaid, to cause all property unclaimed after the expiration of the notice specified in the last preceding section but one of this act, money excepted, to be sold at public auction to the highest bidder, unless the prosecuting attorney of the county of Ingham shall direct that it shall remain unsold for a longer period, to be used as evidence in the administration of justice, and the proceeds thereof forthwith to pay to the treasurer of the said city, together with all money, if any,

taxes assessed thereon, so returned to him as aforesaid; and the Auditor General shall thereupon cause to be credited to the said county of Ingham all taxes so returned.

Auditor General to credit county treasurer

Sec. 10. It shall be the duty of the said Commissioner of the State Land Office, on receipt of the returns as provided in the last preceding section, forthwith to charge to each description of land contained in such returns, the taxes appearing thereby to have been assessed therein; and thereupon such taxes together with the interest thereon at the rate of fifteen per cent. per annum from the first day of February next preceding, shall remain and continue a charge and lien upon the interests of the respective purchasers of such lands, to the same extent, and shall be enforced and collected in the same manner, in every respect, as now is or shall hereafter be provided by law for the enforcement and collection of the interest upon the balance of purchase money remaining unpaid upon such lands.

Further duties of Commissioner of State Land Office.

Sec. 11. For the purchase and improvement of a city cemetery or cemeteries, the common council may borrow on the faith of the city, a sum not exceeding three thousand dollars, for a term not exceeding twenty years, at a rate of interest not exceeding seven per cent. per annum, payable annually, and for that purpose may issue the bonds of the city, signed by the mayor and clerk, and countersigned by the auditor, and in such form and in such sums, (not exceeding in the aggregate the said sum of three thousand dollars,) as the common council shall direct, and such bonds shall be disposed of under the direction of the common council of said city, upon such terms as they shall deem advisable, but not less than their par value, and the avails shall be applied in the purchase and improvement of a city cemetery or cemeteries, and the necessary appurtenances, and for no other purpose whatsoever.

City cemetery. Council may borrow money to purchase and improve.

Bonds, how sold and interest.

Sec. 12. It shall not be lawful for the common council (except as herein otherwise provided) to borrow any money or authorize the creation of any liability or indebtedness against said city in any one year exceeding in the aggregate the amount of one per cent. of the assessed valuation of the property in

Loans, not more than one per cent annually.

designated by the mayor or common council may perform his duties.

**City auditor,
duties and
powers.**

Sec. 25. The city auditor shall countersign all orders for the payment of money out of the city treasury, after having ascertained from the minutes, that it has been appropriated by the common council, and he shall make a record of all orders so countersigned, and shall perform such other duties as the common council shall by ordinance prescribe, and such other duties as are prescribed by this act.

**City surveyor
and other
officers.**

Sec. 26. The city surveyor, fire wardens, common criers, pound masters, inspectors of fire wood and weigh masters, shall perform such duties, and if required, shall file such securities as the common council shall by ordinance direct.

**Salary of
officers de-
termined by
common
council.**

Sec. 27. The common council shall annually determine the salary or compensation to be paid to the several officers of said city.

TITLE V.

OF TAXES, FUNDS AND EXPENDITURES.

**Assessor to
finish as-
sessment
before Au-
gust first,
each year.**

Sec. 1. The assessor shall, before the first day of August in each and every year, make and complete the assessment of all the real and personal property within the several wards, in the same manner, as near as may be, as is required by law for the assessment of property in the several townships of this State, and in so doing shall in all respects, unless when otherwise in this act provided, conform to the provisions of law governing the action of supervisors in the several townships of this State, in the assessment of property and the levying of taxes.

**In manner
as supervi-
sors of
townships.**

**State lands,
Commis-
sioner of
State land
Office shall
furnish as-
sessor full
list of.**

Sec. 2. For the more effectual assessment and collection of taxes upon such State lands, whether primary school, State building lands, or otherwise, lying within the limits of the said city, as shall have been or shall hereafter be sold by the State, upon which the purchase money has not been all paid and the title to which shall still remain in the State, it shall be the duty of the city assessor, at least thirty days before the time prescribed in this act for completing the assessment rolls, to apply

to the Commissioner of the State Land Office, and it shall be the duty of the said Commissioner, on such application, to make out and deliver to the said assessor a correct list and description of all such State lands, within the limits of the said city, which list shall be filed by the said assessor and kept in his office, and so much thereof as shall be situated in any of the wards of the said city shall be enrolled in a separate part of the assessment roll of such ward, under the title of "State lands," and if occupied, shall be assessed to the occupant or occupants thereof, but if not occupied shall be assessed as non-resident.

Assessor shall file list

"State Lands" to be assessed in th ward where located.

Sec. 3. On the first Saturday in August the assessor shall be present in his office for the purpose of reviewing his assessments in the several wards, according to law, and he shall cause printed notices thereof to be posted in three of the most public places in each ward, at least one week previous thereto.

Review of rolls to be at Saturday in August, at assessors office.

Sec. 4. It shall be the duty of the common council of said city, on the first Monday after the board of supervisors of the county of Ingham shall have completed the equalization of the valuation of the property in the wards of the city and townships of the county for such year, or as soon thereafter as may be, to determine by resolution the amount necessary to be raised by tax for city and ward purposes, including highways, for such year, and to apportion the amount so to be raised amongst the several wards of the city, according to the valuation of the property in the assessment rolls as equalized by the board of supervisors, which apportionment shall be entered at large on the minutes; and it shall be the duty of the assessor to levy the sums so apportioned to the respective wards, and such other taxes as may be required by law, upon the taxable property of each ward, in the same manner as taxes for township purposes are required by law to be levied by the supervisors of the townships of this State.

Common council shall fix and apportion taxes on first Monday after equalization by board of supervisors, (or soon as may be thereafter.)

Apportionment to be entered on minutes.

Assessor to levy the sums apportioned, and other taxes.

Sec. 5. The assessor shall make and complete the tax rolls of the several wards of the city, and shall deliver them, with the warrant for the collection thereof, to the supervisors of the

Assessor shall make tax rolls, etc.

said wards for their signatures, at least three days before the time prescribed by law for the delivery of the township tax rolls to the township treasurer. Each of said supervisors shall carefully examine the tax roll of his ward, and if satisfied that it is correct and according to law, he shall sign the warrant and deliver it attached to the tax roll, to the city treasurer at the time prescribed by law for the delivery of the township tax rolls to the township treasurer.

Treasurer's
fee for col-
lection of
taxes.

Sec. 6. For the collection of all taxes the treasurer shall be entitled to receive such per centage as shall be prescribed by the common council by ordinance, not exceeding two per cent. upon the sum to be collected.

Taxes a lien
on property.

Sec. 7. The taxes so levied for city and ward purposes shall be and remain a lien upon the property on which the same was levied in like cases, to the same extent, and in like manner as taxes required by law to be levied on property in the several townships of this State are liens upon such property, and all provisions of law respecting the return and sale of property for the non-payment of taxes for State, county and township purposes, shall apply to the return and sale of property for the non-payment of such city taxes, except as herein otherwise provided.

City taxes
collected by
county
treasurer to
be paid to
city treas-
urer.

Sec. 8. The net proceeds of the sales of all property delinquent for non-payment of city taxes, shall be paid to the treasurer of said city by the treasurer of the county of Ingham, whenever required by the city treasurer, and the net proceeds of all sums paid to the treasurer of the county of Ingham, before sale on account of property within said city returned delinquent for non-payment of city taxes, shall in like manner be paid to said city treasurer.

Commis-
sioner of
State Land
Office to fur-
nish list of
State lands
to Auditor
General.

Sec. 9. It shall be the duty of the Commissioner of the State Land Office, within ten days after the receipt by him of the returns of the treasurer of the county of Ingham, of lands assessed as State lands, as provided in section two of this title, to cause to be made out, certified and delivered to the Auditor General a correct list of all said State lands, together with the

taxes assessed thereon, so returned to him as aforesaid; and the Auditor General shall thereupon cause to be credited to the said county of Ingham all taxes so returned.

Auditor
General to
credit coun-
ty treasurer

Sec. 10. It shall be the duty of the said Commissioner of the State Land Office, on receipt of the returns as provided in the last preceding section, forthwith to charge to each description of land contained in such returns, the taxes appearing thereby to have been assessed therein; and thereupon such taxes together with the interest thereon at the rate of fifteen per cent. per annum from the first day of February next preceding, shall remain and continue a charge and lien upon the interests of the respective purchasers of such lands, to the same extent, and shall be enforced and collected in the same manner, in every respect, as now is or shall hereafter be provided by law for the enforcement and collection of the interest upon the balance of purchase money remaining unpaid upon such lands.

Further du-
ties of Com-
missioner of
State Land
Office.

Sec. 11. For the purchase and improvement of a city cemetery or cemeteries, the common council may borrow on the faith of the city, a sum not exceeding three thousand dollars, for a term not exceeding twenty years, at a rate of interest not exceeding seven per cent. per annum, payable annually, and for that purpose may issue the bonds of the city, signed by the mayor and clerk, and countersigned by the auditor, and in such form and in such sums, (not exceeding in the aggregate the said sum of three thousand dollars,) as the common council shall direct, and such bonds shall be disposed of under the direction of the common council of said city, upon such terms as they shall deem advisable, but not less than their par value, and the avails shall be applied in the purchase and improvement of a city cemetery or cemeteries, and the necessary appurtenances, and for no other purpose whatsoever.

City ceme-
teries.
Council may
borrow
money to
purchase
and im-
prove.

Bonds, how
sold and is-

Sec. 12. It shall not be lawful for the common council (except as herein otherwise provided) to borrow any money or authorize the creation of any liability or indebtedness against said city in any one year exceeding in the aggregate the amount of one per cent. of the assessed valuation of the property in

Loans, not
more than
one per cent
annually.

How paid. said city; and in case any sum or sums of money shall be borrowed by said common council the same shall be paid out of the sums raised by tax for such year, if the payment thereof is not otherwise provided, and all sums of money borrowed by said city shall be applied to the purposes for which the same was borrowed, and for no other purpose whatsoever; but nothing in this act contained shall be construed to prohibit said common council from making assessments and levying and collecting taxes for the purpose of local improvements.

Local improvements not included in above loan.

Sinking fund. Sec. 13. Whenever by the provisions of this act the common council shall be authorized to issue city bonds for the payment of any sum or sums of money, the said common council shall thereupon have the power to create a sinking fund for the payment of the interest and principal as it falls due, which fund shall be raised by a direct tax, which shall not exceed in any one year one mill on the dollar on the valuation of the real and personal property within said city.

Demands, how allowed and paid. Sec. 14. The common council shall examine, settle and allow all accounts and demands properly chargeable against said city, as well of its officers as other persons, and shall have authority to provide means for the payment of the same, and for defraying the contingent expenses of the said city, subject only to the limitations and restrictions in this act contained.

Accounts and demands to be verified by affidavit. Sec. 15. The accounts and demands of all persons against the city shall be verified by affidavit and shall set forth the items thereof in detail, which affidavits may be taken and certified by any member of said common council.

Money, how drawn from the city treasury. Sec. 16. No money shall be drawn from the city treasury, except school moneys, unless it shall have been previously appropriated to the purpose for which it shall have been drawn; and all ordinances, resolutions and orders directing the payment of money shall specify the object and purposes of such payment, and the fund from which it shall be paid, which shall be certified by the clerk and countersigned by the auditor, before the same shall be paid by the treasurer.

TITLE VI.

OF STREETS AND PUBLIC IMPROVEMENTS.

Sec. 1. The common council of the city of Lansing shall have full power to lay out, establish, open, extend, widen, straighten, alter, close, fill in or grade, vacate or abolish any highways, streets, avenues, lanes, alleys, public grounds or spaces in said city, except public grounds belonging to or donated by the State, whenever they shall deem it a necessary public improvement, and private property may be taken therefor; but the necessity for using such property, the just compensation to be made for the same, and the damages accruing to any person from the making of said improvements, shall be ascertained in the same manner, as near as may be, as such necessity, compensation and damages, are or may be hereafter ascertained in the townships of this State, and for all purposes connected with the streets of said city, the common council shall possess the powers of the highway commissioners of townships. Appeals may be taken to the recorder's court for said city, in like manner, as far as practicable, as appeals are now or may hereafter, by law, be taken from the decisions of highway commissioners in townships; and the said court is hereby authorized and empowered to hear and determine appeals.

Common council. Powers of, in relation to streets, etc.

Appeals, how taken.

Sec. 2. The common council shall be commissioners of highways for said city, and shall have the care and supervision of the highways, sidewalks, streets, bridges, lanes, alleys, parks and public grounds therein not belonging to or occupied by the State; and it shall be their duty to give directions for the repairing, preserving, improving, cleansing and securing of such highways, sidewalks, bridges, lanes, alleys, parks and public grounds, and to cause the same to be repaired, cleansed, improved and secured, from time to time, as may be necessary; to regulate the roads, streets, highways, lanes, parks and alleys already laid out, or which may hereafter be laid out, and to alter such of them as they shall deem inconvenient, subject to the restrictions contained in this title; to cause such of the streets and highways in said city as shall have been used for

Commissioners of highways.

Streets that have been used six years to be recorded as public streets.

Council may divide city into highway districts, and appoint inspectors.

Duties of such inspectors.

To report, etc.

Council to examine report.

are not sufficiently described, or have not been duly recorded, to be ascertained, described, and recorded in the office of the city clerk of said city, in the book of street records; and the recording of such highways, streets, lanes, alleys or public grounds, so ascertained and described, or which shall hereafter be laid out and established by the said common council, and recorded in the book of street records in the office of the clerk, by order of the common council, shall be presumptive evidence of the existence of such highway, street, lane, alley or public ground therein described; to divide said city, from time to time, into so many highway districts as they shall deem expedient, by an ordinance or resolution entered in their minutes; to appoint and assign to each of such districts so many inspectors of streets as they shall from time to time deem proper.

Sec. 3. The street inspectors of the several ward districts, under the general supervision of the marshal, shall at all times keep the streets, bridges, culverts and drains allotted to them to oversee, in thorough repair and free from obstructions; they shall report on oath to the common council, once in each month, which report shall contain an accurate statement of the amount of labor performed and the expenses necessarily incurred for material, and the streets upon which the same was performed, or expense incurred, and their charges for the same.

Sec. 4. The common council shall examine such report, and if satisfied of its correctness, and that the charges therein made are just and reasonable, they shall accept it and order it filed, but if they are satisfied that it is incorrect, or that the charges therein are unreasonable, they shall alter the same as they think proper, and shall allow such charges as they shall deem just and equitable; they shall then let said report lay upon the table one week, and if not withdrawn by the inspector, by filing a notice in writing to that effect with the city clerk in that time, they shall accept it and order it filed as corrected by

them. When so filed, the clerk shall draw an order upon the highway fund of the district for the amount. Payment of
inspectors,
etc.

Sec. 5. Whenever the common council shall deem it expedient to construct or repair any side-walk or pavement, or plank or re-plank any street within the said city, they may, by ordinance or otherwise, require the owner or occupant of any lot or house adjoining such street, to lay such side-walk, or construct such pavement, or plank such street, to the middle of the said street, in front of his or her lot or house; or they may construct such side-walks and pavements, and plank such streets in the manner that other public improvements are directed to be made in this title. Owners or
occupants of
lots to make
pavements,
side-walks,
etc.

Council may
cause such
improvements to be
made.

Sec. 6. Whenever the owner or occupant of any lot or house shall refuse or neglect, within such time as the common council shall have appointed, to conform to any regulation made by the said council for constructing sidewalks or pavements, or for any other purpose, it shall be lawful for the said common council to cause such regulations to be enforced at the expense of the city, and to recover the amount of such expenses with damages, at the rate of ten per cent., with costs of suit, from the owner or occupant of such lot or house, whose duty it was to conform to such regulation. Council may
enforce regulations at
expense of
city and
may recover
from
owners or
occupants.

Sec. 7. The common council shall have power to cause common sewers, drains and vaults, arches and bridges, wells, pumps and reservoirs to be built in any part of said city; to cause the grading, raising, leveling, repairing, amending, paving or covering with broken or pounded stone, plank or other material, any street, lane, alley, highway, public ground or side-walk of said city. Council,
power in relation to
sewers,
drains, etc.

Sec. 8. The common council shall have full power to assess and collect of each individual using or being benefitted by any public sewer or drain, as follows, to wit: the sum of one dollar and fifty cents annually for each cellar drained directly or indirectly by a drain into any public drain or sewer, which assessment shall be taken to include all other drainage of the premises to which said cellar especially belongs; and the sum of Sewer tax.

fifty cents annually for each lot or subdivision of lot, being without a cellar, drained as aforesaid into any public drain or sewer, and such sums as may be fixed by the common council for all establishments requiring an unusual or extraordinary amount of drainage, drained as aforesaid, which sums when collected shall constitute the sewer fund, and shall be expended exclusively for the repair and construction of sewers; and the collection of the charges to individuals for drainage in this section provided, shall be enforced in such manner as the common council may by ordinance direct.

Local im-
provements
to be assessed
on the
property to
be benefited

Council to
judge what
is benefited

Sec. 9. Whenever the common council shall determine that the whole or any part of the expense of any public improvement not requiring the taking of any land by said city, shall be defrayed by an assessment on the owners or occupants of houses and lands to be benefited thereby, they shall declare the same by an entry in their minutes, and after ascertaining as they may think proper, the estimated expense of such improvement, they shall declare by an entry in their minutes whether the whole or what portion thereof shall be assessed to such owners and occupants, specifying the sum to be assessed, and the portion of the city which they deem to be benefited by such improvement; the costs and expenses of making the estimates, plans and assessments incidental thereto, shall be included in the estimated expenses of such improvement.

To give pub-
lic notice of
the assess-
ment to be
made.

To appoint
three men
to make the
assessment

Sec. 10. The common council shall thereupon make an order reciting the public improvement so as aforesaid intended to be made, the amount of expense to be assessed as aforesaid, and the portion or part of the city on which the same is to be assessed, designating and directing three resident freeholders of said city not interested in any of the property so benefitted, nor of kin to any person interested, to make an assessment upon all the owners or occupants of lands and houses within the portion or part so designated, of the amount of expense in proportion as nearly as may be to the advantage which each shall be deemed to acquire by the making such improvements, which order shall be certified by the clerk

of the city, and delivered to one of said commissioners, together with a map or profile of the proposed improvement in cases where the same is practicable.

Clerk to certify, order and furnish map or profile

Sec. 11. It shall be the duty of said commissioners so designated and appointed by the common council, to meet together at such time and place as the common council shall appoint, or in case said council do not so appoint, as said commissioners shall themselves agree upon, and thereupon said commissioners shall severally take and subscribe an oath before some officer, by law authorized to administer the same, that they are not interested in the premises described in said order, and not of kin to any person so interested, and that they will faithfully and impartially discharge the duty imposed upon them by said order, which said oath shall forthwith be returned and filed with the city clerk. In case any such commissioner shall not be able to take such oath, the city clerk shall forthwith return that fact to the common council, and the said council shall thereupon appoint one or more commissioners not interested and not of kin as aforesaid, to make the number three, and proceed in like manner until three commissioners are sworn as aforesaid.

Said special commissioners to be sworn.

Further duties of clerk and council.

Sec. 12. The commissioners thus sworn shall proceed to make an assessment according to the said order, and shall make out an assessment roll, in which shall be entered the names of the persons assessed, the value of the property for which they are assessed, the amount assessed to each of them respectively, and in case any lots or parts of lots shall be unoccupied, belonging to any person residing in the said city, such person shall be assessed for the same, and his name entered accordingly; and in case such lots or parts of lots shall belong to a non-resident or owner or owners unknown, the same shall be entered accordingly, with a description of such lots or premises, as is required by law in assessment rolls made by supervisors of townships, with the value thereof and the amount assessed thereon, which assessment shall be subscribed by them, or a majority of them, who acted in the premises, and returned as speedily as may be to the common council of the said city.

Duties of said special commissioners.

Compensation of said commissioners.

Sec. 13. The said commissioners shall receive such compensation for their services as shall be allowed them by the common council, to be paid out of the contingent fund of the said city, not exceeding two dollars per day for each.

Clerk to publish assessment and day of appeals.

Sec. 14. Upon such return being made and filed, the clerk of the city shall cause notice of the names being returned to his office to be published in a newspaper of the said city, for at least ten days, and that the common council will, on such day as they shall appoint, proceed to hear any appeals from the said assessment.

Council to hear appeals and may correct or set aside assessments.

Sec. 15. At the day appointed for that purpose, and such other days as the hearing shall be adjourned to, the common council shall hear the allegations and proofs of all persons who may complain of such assessment, and may rectify and amend the said assessment list in whole or in part, or may set the same aside and direct a new assessment, either by the same persons or by such other persons as the common council shall appoint for that purpose; and in such case the same proceedings shall be had as are herein provided upon the first order of the assessment, or the said common council may ratify and confirm such assessment without any corrections, or with such corrections therein as they may think proper.

Assessment final when confirmed by the council.
Collection of said assessment.

Mayor's warrant, etc.

Sec. 16. Every assessment so ratified and confirmed by the common council, as aforesaid, shall be final and conclusive. Within ten days after such assessment shall have been so ratified, the mayor shall affix to such assessment and tax roll his warrant for the collection thereof, which warrant shall direct the treasurer to collect the same within the time prescribed by the resolution of the common council; and the said assessment and tax roll, with the warrant of the mayor annexed, shall be delivered to said treasurer within the ten days aforesaid, who shall thereupon be authorized to levy and collect the same by distress and sale of any personal property in possession of the person chargeable with such tax.

Special assessment a lien, etc.

Sec. 17. When any special assessment for public, local or other improvements, or for any other purpose authorized by

his act shall have been made, as in this act provided, and the tax roll for the same shall have been delivered to the treasurer for collection, the same shall be a lien upon the premises upon which the same was assessed, and the treasurer collecting such tax shall levy and collect the same of any personal property in possession of that person chargeable with such tax, in the manner required by law; and in case sufficient personal property cannot be found whereon to levy and collect such tax the treasurer shall within five days after the time prescribed by his said warrant for the collection thereof has expired, make a report to the city clerk of the sums so remaining unpaid, which he was unable for want of such personal property, to levy and collect of the same, together with the description of the premises assessed for such unpaid taxes; and the city clerk, within five days thereafter, shall in like manner notify the alderman acting as the supervisor of the proper ward or wards within which such premises are situate, of the amount of such taxes and the description of the premises assessed and chargeable with such tax, who shall assess such unpaid taxes on such premises in the tax roll of such ward next thereafter to be made, and such tax shall then be levied, collected and returned, and the said premises may be sold or forfeited for non-payment thereof, as provided by law for the non-payment of the ordinary city taxes.

Treasurer shall notify clerk if unable to collect.

Clerk to notify supervisor, etc.

Sec. 18. If, upon completion of any such improvement for which such assessment shall have been made, it shall appear that a greater amount has been assessed and collected than is necessary to defray the expenses thereof, the common council shall apportion such excess among the persons and property assessed in proportion to the amount collected of them, and shall pay the same to such persons and the owner of such property entitled thereto, on demand.

Surplus, if any, to be refunded.

Sec. 19. If it shall appear that a greater sum of money has been expended in the completion of such improvement than was estimated as aforesaid, the common council may direct the assessment of the same on the owners and occupants of houses

Deficit to be re-assessed.

and lands benefited by such improvements, in the same manner as herein above directed, and the same proceedings in all respects shall be had thereon, and the common council may enlarge the territory to be assessed for such improvements.

TITLE VII.

OF PREVENTION AND EXTINGUISHMENT OF FIRES.

Council to
establish
fire limits.

Sec. 1. For the purpose of guarding against the calamities of fire, the common council may from time to time, by ordinance, designate such portions and parts of the said city as they shall think proper, within which no buildings of wood shall be erected, and may regulate and direct the erection of buildings within such portions and parts, and the size and materials thereof, and the size of the chimneys therein; and every person who shall violate such ordinance or regulation shall forfeit to the city the sum of one hundred dollars; and every building erected contrary to such ordinance is hereby declared to be a common nuisance, and may be abated and removed by such common council.

Fine for vio-
lation of or-
dinance.

Fire regula-
tions.

Sec. 2. The common council may, by ordinance, require the owners and occupants of houses and other buildings to have scuttles on the roofs of such houses and buildings, and stairs or ladders leading to the same; and whenever any penalty shall have been recovered against the owner or occupant of any house or other building for not complying with such ordinance, the common council may, at the expiration of twenty days after such recovery, cause such scuttles and stairs or ladders to be constructed, and may recover the expense thereof, with ten per cent. in addition, of the owner or occupant whose duty it was to comply with such ordinance.

Id.

Sec. 3. The common council may, by ordinance, require the inhabitants of the city to provide such and so many fire buckets for each house or tenement therein, and within such time as they shall prescribe, and may require such buckets to be produced at every fire.

Sec. 4. The common council may regulate and direct the ^{Fire regula-}struction of safe deposits for ashes, and may compel the ^{tions.}leaning of chimneys, flues, stovepipes, and all other conductors of smoke; and upon the neglect of the owner or occupant of any house, tenement, or building of any description, having herein any chimneys, flues, stovepipes, or other conductors of smoke, to clean the same, as shall have been directed by any ordinance, the common council may cause the same to be cleansed, and may collect the expense thereof, and ten per cent. in addition, from the owner or occupant whose duty it was to have the same cleaned.

Sec. 5. For the purpose of enforcing such regulations, the ^{Council may}common council may authorize any of the officers of the said ^{authorize}city, and may appoint persons at all reasonable times, to enter ^{examination}into and examine all dwelling-houses, buildings and tenements ^{of premises.}of every description, and all lots, yards and enclosures, and to cause such as are dangerous to be put in safe condition; and may authorize such officers and persons to inspect all hearths, fire-places, stoves, pipes, flues, chimneys, or other conductors of smoke, or any apparatus or device in which fire may be used, or to which fire may be applied, and remove and make the same safe, at the expense of the owners or occupants of the buildings in which the same may be, and to ascertain the number and condition of the fire buckets, and the situation of any building in respect to its exposure to fire, and whether scuttles and ladders thereto have been provided, and generally with such powers and duties as the common council shall deem necessary to guard the city from the calamities of fire.

Sec. 6. The common council may procure, own, build, erect, ^{Fire engines}and keep in repair, such and so many fire engines, with ^{and appa-}their hose and other apparatus, engine houses, ladders, fire-hooks and fire-buckets, and other implements and conveniences for the extinguishment of fires, and to prevent injuries by fire, and such and so many public cisterns, wells and reservoirs of water, as they from time to time shall judge necessary.

Fire department. Sec. 7. The common council shall have power to organize said city into as many fire districts as they may deem necessary, and may organize and maintain a fire department for said city, to consist of one chief engineer, two assistant engineers, twice as many wardens as there are wards in the said city, a proper number of firemen, not exceeding fifty to each engine, such number of hook and ladder men, and such number of tub and hose men, as may be appointed by the said common council, all to have privileges and exemptions of firemen, and to hold their appointment during the pleasure of the common council.

Council may make rules for fire department. Sec. 8. The common council may make rules and regulations for the government of the said engineers, wardens, firemen, hook and ladder men, and tub and hose men, and may prescribe their respective duties in case of fire or alarms of fire; may direct the dresses and badges of authority to be worn by them; may prescribe and regulate the time and manner of their exercise, and may impose reasonable fines for the breach of any such regulations.

Powers, duties and privileges of officers. Sec. 9. The engineers and fire wardens, under the direction of the common council, shall have the custody and general superintendence of the fire engines, engine houses, hooks, ladders, hose, public cisterns, and other conveniences for the extinguishment and prevention of fires, and it shall be their duty to see that the same are kept in order, and to see that the laws and ordinances relative to the prevention and extinguishment of fires are duly executed, and to make detailed and particular reports of the state of the department, and of the conduct of the firemen, hook and ladder men, tub and hose men, to the common council, at stated periods, to be prescribed by the common council, and to make such reports to the mayor whenever required by him; the certificate of the city clerk that a person is or has been a fireman shall be evidence of the facts in all courts and places, on proof of the genuineness of such certificate.

Certificate of clerk.

Ringling of alarm bells.

Sec. 10. The common council may by ordinance, direct the manner in which the bells of the city shall be tolled or rung in

cases of fire or alarms of fire, and may impose penalties for ringing or tolling of such bells in such manner at any other time than during a fire or alarm of fire.

Sec. 11. The common council may provide suitable compensation for any injury that any fireman, hook and ladder man, or tub and hose man may receive in his person or property in consequence of his exertions at any fire. Injuries received by firemen.

Sec. 12. The common council may by ordinance,

First. Prescribe the duties and powers of the engineers and wardens at fires and in cases of alarms of fire, and may vest in them such powers as shall be deemed necessary to preserve property from being stolen, and to extinguish and prevent fires; Council to prescribe powers, &c., of officers of fire department.

Second. Prescribe the powers and duties of the mayor and aldermen at such fires, and in cases of alarm; but in no case shall the mayor or any alderman control or direct the chief engineer or his assistants during any fire; Mayor and aldermen at fires.

Third. Provide for the removal and keeping away from such fires all idle, disorderly, or suspicious persons, and may confer powers for that purpose on the engineers, fire wardens, or officers of the city; Persons disorderly to be removed.

Fourth. Provide for compelling persons to bring their fire buckets to any place of fire, and to aid in the extinguishment thereof by forming lines or ranks for the purpose of carrying water, and by all proper means to aid in the preservation, removal and securing of property exposed to danger by fire; Duties of citizens at fires.

Fifth. To compel the marshal, constables and watchmen of the city to be present at such fires, and to perform such duties as the said common council shall prescribe. Duties of certain officers.

Sec. 13. Whenever any person shall refuse to obey any lawful order of any engineer, fire warden, mayor or alderman, at any fire, it shall be lawful for the officer giving such order to arrest, or to direct orally any constable, watchman, or any citizen, to arrest such person and confine him temporarily in any safe place, until such fire shall be extinguished; and in the same manner such officers, or any of them, may arrest or direct the Persons disorderly or disobedient to be arrested.

arrest and confinement of any person at such fire, who shall be intoxicated or disorderly.

Buildings
may be torn
down.

Sec. 14. Whenever any building in said city shall be on fire it shall be the duty and be lawful for the chief engineer, with the consent of the mayor or any alderman, or any two aldermen, to order and direct such building, or any other building which they may deem hazardous, and likely to communicate fire to other buildings, or any part of such building, to be pulled down and destroyed; and no action shall be maintained against any person or against the said city therefor; but any person interested in any such building so destroyed or injured may, within three months thereafter, apply to the common

Council may
hear and ad-
just claims.

council to assess and pay the damages he has sustained. At the expiration of three months, if any such application shall have been made in writing, the common council shall either pay to the said claimant such sum as shall be agreed upon by them and the said claimant for such damages, or if no such agreement shall be effected, shall proceed to ascertain the amount of such damages, and shall provide for the appraisal, assessment, collection and payment of the same in the same manner as is provided by this act for the ascertainment, assessment, collection and payment of damages sustained by the taking of lands for purposes of public improvement.

Damages, if
allowed,
how as-
sessed.

Sec. 15. The commissioners appointed to appraise and assess the damages incurred by the said claimant by the pulling down or destruction of said building by the direction of the said officers of the city, as above provided, shall take into account the probability of the same having been destroyed or injured by fire if it had not been so pulled down and destroyed, and may report that no damage should be equitably allowed to such claimant. Whenever a report shall be made and finally confirmed, in the said proceedings for appraising and assessing the damages, a compliance with the terms thereof by the common council shall be deemed a full satisfaction of all said damages of the said claimant.

TITLE VIII.

OF COURTS OF JUSTICE.

Sec. 1. The court held by the recorder shall be known in law as and by the name of "the recorder's court of the city of Lansing," and shall have an appropriate seal, which shall be provided by the recorder, and kept by the clerk thereof, who shall keep a record of the proceedings of the said court. ^{Recorder's court.}

Sec. 2. The clerk of the city of Lansing shall, by virtue of his office as such, be the clerk of said recorder's court, and may appoint a deputy, who shall be authorized to perform all the duties of the clerk of said court in case of the absence or inability of said clerk, and who shall be subject to all the liabilities of such clerk. ^{Clerk and deputy.}

Sec. 3. The jurisdiction of said recorder's court, in addition to that by this act otherwise conferred, shall extend to, ^{Jurisdiction of recorder's court.} and said court shall have original and exclusive jurisdiction, and shall have power to hear, try and determine all civil actions arising in said city, wherein said city, in its corporate capacity, shall be a party, or any city or ward officer, in his official character, shall be a party, all charges, complaints, actions and prosecutions, for the recovery of any and all forfeitures and penalties for alleged violations or infringements of the acts of the legislature of this State incorporating said city, except in cases where jurisdiction is especially given to some other court; all actions for alleged breaches or violations of any of the by-laws or ordinances of said city, except in cases where by such by-laws or ordinance, jurisdiction is especially given to some other court, and all actions for encroachments upon or injury to any of the streets, lanes, alleys, bridges, parks or other public improvements of said city, and concurrent jurisdiction in all actions wherein the title to lands shall come in question, wherein the said city, or any city or ward officer, as such shall be a party; and said court shall also have exclusive appellate jurisdiction of all actions brought before justices of the peace to recover forfeitures or penalties for alleged vio-

lations of any ordinances of said city, or violations of this act, for the violation of which, by said ordinance or by this act, such justice of the peace has cognizance.

Jury trial. Sec. 4. Whenever either party shall demand that the cause be tried by a jury before the trial thereof shall have been commenced, and shall pay the sum of three dollars to the clerk of said court, the recorder shall direct the marshal or any constable of said city in attendance, to make a list of names of twenty-four citizens, who shall be residents of said city, having the qualifications of jurors in circuit courts of this State, from which list the plaintiff and defendant shall alternately strike out one until each shall have struck out six names; the person demanding the jury shall first strike out; and in case the said city shall be a party, the city attorney shall strike out on behalf of said city; if either party refuse to strike out, then the clerk shall do so in his stead, under the direction of the court; and the remaining names shall constitute the jury. When no jury is demanded, the cause shall be tried by the recorder.

Venire, when issued by clerk. Sec. 5. The clerk, when such jury fee shall be paid, shall thereupon issue a venire, directed to the marshal or any constable of said city, commanding such officer to summons such persons named in the venire to attend said court at a time or place therein specified, to serve as jurors.

Jurors, penalty for not serving. Sec. 6. Any juror summoned as aforesaid who shall neglect or refuse to attend at the time and place named in such venire, shall be liable to a fine of not less than one nor more than ten dollars and costs, and may be brought before the court for that purpose by attachment issued under the seal of said court, tested by the recorder and signed by the clerk, but no such fine shall be imposed after the period of thirty days from the time he became liable as aforesaid.

Jurors' fees. Sec. 7. Every juror serving in any cause tried in said court shall be entitled to receive the same fees as jurors in the circuit court for similar services.

List of jurors, how made. Sec. 8. The officer shall, in all cases, before making out such list of names for jurors, be sworn to make such list with-

out favor or partiality to either party, and in case any juror of the jury so summoned shall neglect or refuse to attend, or cannot be found after diligent search and inquiry in said city, talesmen may be summoned from the inhabitants of said city, as in other courts of record.

Sec. 9. The recorder's court shall be held on the second Terms of recorder's court. Monday of each month, and the terms of said court may be continued until the business is disposed of; and special sessions may be held as often as may be deemed necessary for the dispatch of business, and it shall be lawful for said recorder or clerk to administer oaths to witnesses on the trial of a cause, to take affidavits or depositions to be read in said court under the rules and practices thereof, and to receive therefor the same fees as is allowed for similar services in the circuit court.

Sec. 10. The clerk of said court shall keep a journal of the Clerk to keep journal. proceedings of the court, under the direction of the recorder, and all entries therein shall be read in open court by the clerk, from day to day, and shall be corrected when necessary, and signed by the recorder.

Sec. 11. The said journal shall be and remain a public record Journal a public record. in the office of the clerk of said court, and shall be by him delivered over to his successor in office, together with the books and papers belonging to said office; and the recorder's successor in office shall be authorized to continue and complete all proceedings begun by his predecessor.

Sec. 12. Any record or entry made in said journal as afore- Record may be read in evidence. said, may be read in evidence in all courts of justice and in all proceedings before any office, body or board, in which it may be necessary to refer thereto, either from the journal itself or from a true and certified copy thereof, certified by the clerk with the seal of the court affixed; and in all cases whenever it shall become necessary in any action or other proceeding before said recorder's court, to give evidence of a judgment or other proceeding had before said court, the original entry of such judgment or other proceeding shall be good evidence before said court.

Clerk to attend every term.

Sec. 13. It shall be the duty of the said city clerk, either in person or by his deputy, to attend every term of said court, both general and special, and he shall have the care and custody of the seal of the said court and of the records, books and papers pertaining to the office of clerk of said court, and filed or deposited therein.

Recognizances.

Sec. 14. The said recorder's court shall have power to take recognizance for keeping of the peace and good behavior, and for appearance before said court, or any other court at any day

Contempt of court.

or term; and full power to punish for contempt of court, by fine or imprisonment, or both, but such fine shall not exceed twenty-five dollars, nor such imprisonment sixty days.

Marshal and constables to attend every term. Their duties

Sec. 15. The marshal, and so many constables as may be required, shall attend the recorder's court and discharge all the duties of their respective offices; and the said marshal and other ministerial officers of said city shall execute and return all processes issuing out of said court to them directed, in the same manner as sheriffs or other officers of courts of record in this State.

Authority of said court.

Sec. 16. The recorder's court shall have power and authority to make all rules for the practice in such court, and may issue execution upon any judgment, fine or penalty entered by said court, and may levy and collect the amount of such judgment in the same manner as executions issued out of the circuit court for the county of Ingham; such executions shall be made returnable in sixty days from the date thereof, and may authorize the taking of the body of the person against whom the execution runs; in all cases where such taking is authorized by the laws of this State on executions issuing out of the circuit or other courts in the State, or by any ordinances of the city of Lansing, for the violation of which such arrest or taking is authorized.

Fees of said court and other officers.

Sec. 17. Said court shall have power, from time to time, to establish the costs and fees of all the officers of said court, which costs and fees shall not exceed those now established by the rules and practice of the circuit court of Ingham county for

like services, and said costs and fees shall be taken and made a part of the judgment, and levied and collected therewith. The recorder shall have the following fees: for deciding a cause, on motion, two dollars; for trial, three dollars, which shall be in full for his services in such cause.

Sec. 18. All writs and process from the recorder's court shall run in the name of the people of the State of Michigan, be directed to the marshal or any constable of said city, shall bear teste in the name of the recorder, shall be sealed with the seal of said court, signed by the clerk, and dated on the day on which the same shall be issued. Writs of process.

Sec. 19. Actions may be commenced in said court in the same manner as is provided by law for the commencement of suits in the circuit courts of this State, and to this end the city clerk is hereby authorized to procure the necessary books, at the expense of the city, and all provisions of law relative to trials of causes in circuit courts, shall apply to said recorder's court, except as herein otherwise expressed, and actions for the recovery of penalties and forfeitures, arising for violations of any of the provisions of this act, or for violations of the ordinances or by-laws of said city, of which said recorder's court has jurisdiction, may be commenced and prosecuted in the same manner as is by law provided for the recovery of fines and penalties for breach of any statute of this State. Actions, how commenced.

Sec. 20. Appeals may be taken to said recorder's court from any judgment of any justice of the peace elected within said city, upon any suit or prosecution for a violation of any of the provisions of this act, or of the by-laws or ordinances of said city, of which such justice has jurisdiction, by filing with the justice by whom such judgment was rendered a like affidavit and bond or recognizance, as is or may at any time by law be required on appeals in civil cases from justice to circuit courts in this State, and all such provisions of law relative to appeals from justice courts to the circuit court, shall apply, as far as practicable, to the said recorder's court. Appeals to said court from justices' in certain cases.

**Certiorari
in certain
cases.**

Sec. 21. Writs of certiorari may be sued out of said recorder's court to any justices' court of said city, on any judgment rendered by such justice of the peace, in any action brought to recover a penalty or forfeiture for the violation of any provision of this act, or the violation of any by-law or ordinance of said city, in the same manner, as near as may be, and with the like effect as certioraris from circuit courts, and all provisions of law relating to certioraris from circuit courts in civil cases, shall apply, as near as may be, to the recorder's court, except that the allowance of such writ shall be granted by the recorder.

**Justices to
make re-
turns as for
circuit
courts.**

Sec. 22. In cases of appeal from any justices' court within said city, or in case a certiorari shall issue from said recorder's court directed to such justice, such justice shall make a return of the proceedings had before him in like manner in all respects as is by law required relative to returns from justices' courts to the circuit court in cases of appeal and certiorari.

**Recorder's
court has
power to de-
termine ap-
peals, &c.**

Sec. 23. The recorder's court shall have power to hear, try and determine said appeal, and the judgment of said court shall be final, except that the same may be carried to the supreme court, in the same manner in all respects as cases in the circuit court are taken to the said supreme court; and said recorder's court shall hear and determine all matters brought before him by writ of certiorari, in the same manner as such cases are disposed of in the circuit court.

Entry fees.

Sec. 24. The same entry fee shall be paid the clerk by said city in causes commenced, or brought into the recorder's court, as is required in like cases in the circuit court, except when the cause is commenced or brought into said recorder's court on behalf of the city, or a city or ward officer in his official character.

**Appeals
from recor-
der's court
to supreme
court.**

Sec. 25. Any cause commenced in the recorder's court, and any cause brought in said court by appeal or certiorari, and determined therein, may be taken to the supreme court of this State, in the same manner as causes removed to said court from

Sec. 4. The common council may regulate and direct the construction of safe deposits for ashes, and may compel the cleaning of chimneys, flues, stovepipes, and all other conductors of smoke; and upon the neglect of the owner or occupant of any house, tenement, or building of any description, having therein any chimneys, flues, stovepipes, or other conductors of smoke, to clean the same, as shall have been directed by any ordinance, the common council may cause the same to be cleansed, and may collect the expense thereof, and ten per cent. in addition, from the owner or occupant whose duty it was to have the same cleaned.

Sec. 5. For the purpose of enforcing such regulations, the common council may authorize any of the officers of the said city, and may appoint persons at all reasonable times, to enter into and examine all dwelling-houses, buildings and tenements of every description, and all lots, yards and enclosures, and to cause such as are dangerous to be put in safe condition; and may authorize such officers and persons to inspect all hearths, fire-places, stoves, pipes, flues, chimneys, or other conductors of smoke, or any apparatus or device in which fire may be used, or to which fire may be applied, and remove and make the same safe, at the expense of the owners or occupants of the buildings in which the same may be, and to ascertain the number and condition of the fire buckets, and the situation of any building in respect to its exposure to fire, and whether scuttles and ladders thereto have been provided, and generally with such powers and duties as the common council shall deem necessary to guard the city from the calamities of fire.

Sec. 6. The common council may procure, own, build, erect, and keep in repair, such and so many fire engines, with their hose and other apparatus, engine houses, ladders, fire-hooks and fire-buckets, and other implements and conveniences for the extinguishment of fires, and to prevent injuries by fire, and such and so many public cisterns, wells and reservoirs of water, as they from time to time shall judge necessary.

the seal of said court, to arrest the body or bodies of such person or persons, so charged as aforesaid, and such person or persons have before the recorder's court, agreeably to the exigency of said writ, to be dealt with according to law; and the officer or officers to whom such capias shall be directed and delivered are hereby required to use due diligence in executing the same, under such pains and penalties as are by law incurred by any sheriff or other officers neglecting or refusing to execute any capias or other process to him or them directed and delivered; and in case the person so charged as aforesaid shall be within the limits of the county of Ingham, the writs of capias may be directed to the marshal or any constable of the said city, who shall be authorized to serve the same within the limits

Security to be given by complainant in certain cases.

of said county; but before such capias shall issue, such person or persons preferring the charge mentioned in this section, shall file with the clerk of the court security for all the cost in case of acquittal, unless such charge is preferred by a public city officer, in which case no security shall be required.

Recorder's court to be court of record.

Sec. 30. The recorder's court shall possess all the power of courts of common law and courts of record in this State, to carry into effect the jurisdiction and powers conferred upon it by this act.

City penitentiary.

Sec. 31. The common council of said city shall have power and authority, whenever they shall deem it expedient, to provide a city penitentiary, where all persons charged with, or convicted of, offenses or misdemeanors against the charter, by-laws or ordinances of said city, may be confined or imprisoned, until discharged by authority of law; and the said common council shall appoint all officers necessary for said penitentiary, prescribe their powers and duties, regulate the time and manner such prisoners shall be kept at labor, and make all by-laws, ordinances or orders, concerning the good government and regulation of said penitentiary, and for the punishment of such prisoners as may refuse to work therein, as they may deem necessary and proper.

Sec. 32. Any person arrested by virtue of any process issuing from any court of justice in said city, or by authority of any officer of said city, may be confined in said penitentiary, in the same manner as prisoners are or may be detained in the jail of Ingham county; and any law of this State prohibiting escapes, aiding prisoners to escape, or any other act detrimental to the safety of prisoners in a county jail, shall apply to said prison:

Who may be confined.

Escapes punished.

Provided, That the common council or the mayor or recorder of said city may at any time direct any or all such prisoners to be removed from said penitentiary to the jail of the county of Ingham: *And provided also*, Such prisoners, or any of them, may at any time, in the first instance, be confined in the said county jail whenever the same may be deemed necessary by said common council; and the keeper of said jail or penitentiary shall be allowed such compensation for keeping and providing for prisoners confined therein as the common council may determine to be just and reasonable, not exceeding the amount allowed by the supervisors of Ingham county for county prisoners.

Prisoners may be removed to co. jail or first sent there.

Compensation to city jailor.

Sec. 33. The justices of the peace in the said city exercising civil jurisdiction, shall be deemed justices of the peace of the county of Ingham, and shall be subject to the general laws of the State in relation to civil causes before justices of the peace, and appeals from their judgment may be made to the circuit court for the county of Ingham, in the same manner as appeals from justices' judgments in towns are made, except as herein otherwise provided.

Justices of the peace, their powers and duties.

Sec. 34. The justices of the peace of said city shall have all the authority of justices of the peace in towns in criminal matters, and shall have all the authority, and perform all the duties hereinbefore provided and required of them, and shall hold a court daily, if necessary.

Sec. 35. All suits which shall be brought to recover any penalty or forfeiture for the violation of any ordinance of the common council, shall be brought in the name of the city of Lansing, under the direction of the common council, or of the attorney

Suits may be brought in name of the city, in certain cases.

of said city, and no person being an inhabitant, freeman or freeholder of the said city, shall be disqualified for that cause from acting as a judge, justice or juror in the trial or other proceeding, in any suit brought to recover a forfeiture or penalty for the violation of this provision of this act, or for the violation of any ordinance of the common council, nor from serving any process or summoning a jury in such suit, or from acting in any such capacity, or being a witness on the trial of any issue, or upon the taking or making any inquisition or assessment, or any judicial investigation of facts, to which issue, inquest or investigation the said city or any city or ward officer is a party, or in which said city or officer is interested; nor shall any judge of any court be disqualified to hear and adjudicate on an appeal in any matter originating in said city, because he is an inhabitant thereof.

Judgments,
if rendered
against the
city may be
appealed to
recorder's
court.

Sec. 36. If any judgment in any action shall be rendered against the city by any justice of the peace, such judgment may be removed by appeal to the recorder's court of the city of Lansing, in the same manner and with the same effect as though the city were a natural person, except that no bond or recognizance, to the adverse party, shall be necessary to be executed by or on behalf of the said city.

Execution
for penalty
may issue
immediately
on judgment

Sec. 37. Every execution for any penalty or forfeiture recovered for the violation of any of the provisions of this act, or for the violation of any by-law or ordinance of the said city, may be issued immediately on the rendition of the judgment, and shall command the amount to be made of the property of the defendant, if any such can be found, and if not, then to commit the defendant to the county jail or city penitentiary, for such time as shall have been directed by the ordinance of the common council.

Moneys re-
covered
from penal-
ties—how
used.

Sec. 38. The common council may direct any moneys that may have been recovered for penalties or forfeitures, to be applied to the payment of any extra expenses that may have been incurred in apprehending offenders or in subpoenaing or defray-

ing the expenses of witnesses in any suit for such penalties or forfeitures, or in conducting such suits.

Sec. 39. The expenses of apprehending, examining and committing offenders against any law of this State, in the said city, and of their confinement, shall be audited, allowed and paid by the supervisors of the county of Ingham, in the same manner as if such expenses had been incurred in any town of the said county.

Expenses of prosecuting offenders to be paid by supervisors of Ingham county.

TITLE IX.

OF PUBLIC HEALTH.

Sec. 1. It shall be the duty of the common council of said city, to appoint a board of health once in each year for said city, to consist of not less than three nor more than seven persons, and a competent physician to be the health officer thereof.

Board of health.

Sec. 2. The said board of health shall have power, and it shall be their duty to take such measures as they shall deem effectual to prevent the entrance of any pestilential or infectious disease into the city; to stop, detain and examine, for that purpose, every person coming from any place infected, or believed to be infected with such a disease; to establish, maintain and regulate a pest-house or hospital, at some place within the city, or not exceeding three miles beyond its bounds; to cause any person not being a resident of the city, or if a resident of the city, who is not an inhabitant of this State, and who shall be, or be suspected of being infected with any such disease, to be sent to such pest-house or hospital; to cause any resident of the city, infected with any such disease, to be removed to such pest-house or hospital, if the health physician and two other physicians of the city, including the attending physician of the sick person, if he have one, shall certify that the removal of such resident is necessary for the preservation of the public health; to remove from the city or destroy any furniture, wearing apparel, goods, wares or merchandise, or other articles or property of any kind, which shall be suspected of being tainted or infected with any pestilence, or

Powers and duties of.

which shall be, or be likely to pass into such a state as to generate and propagate disease; to abate all nuisances of every description which are or may be injurious to the public health, in any way and in any manner they may deem expedient, and from time to time to do all acts, make all regulations, and pass all ordinances which they shall deem necessary or expedient for the preservation of health and the suppression of disease in the city, and to carry into effect and execute the powers hereby granted.

Public conveyances,
their duty
to report
sick passengers.

Sec. 3. The owner, driver, conductor, or person in charge of any stage-coach, railroad car, or other public conveyance which shall enter the city, having on board any person sick of a malignant fever or pestilential or infectious disease, shall, within two hours after the arrival of such person, report, in writing, the fact, with the name of such person, and the house or place where he was put down in the city, to the mayor, or some member or officer of the board of health; and any and every neglect to comply with these provisions, or any of them, shall be a misdemeanor, punishable with fine and imprisonment.

Neglect, a
misdemeanor.

Infected
articles, a
misdemeanor
to bring
into city.

Sec. 4. Any person who shall knowingly bring, or procure, or cause to be brought into the city any property of any kind, tainted or infected with any malignant fever or pestilential or infectious disease, shall be guilty of misdemeanor, punishable by fine and imprisonment.

Public houses
to report
all sick
strangers.

Sec. 5. Every keeper of an inn or boarding house, or lodging house in the city, who shall have in his house at any time any sick traveler, boatman or sailor, shall report the fact, and the name of the person, in writing, within six hours after he came to the house or was taken sick therein, to the mayor, or some officer or member of the board of health; every physician in the city shall report under his hand to one of the officers above named, the name, residence and disease of every patient whom he shall have sick of any infectious or pestilential disease, within six hours after he shall have visited such patient. A violation of either of the provisions of this section, or of any part of either of them, shall be a misde-

Physicians
to report, etc.

Punishment
for neglect.

meanor, punishable by fine and imprisonment, the fine not to exceed one hundred dollars, nor the imprisonment six months.

Sec. 6. Whenever, in the opinion of the common council, any building, fence or other erection of any kind, or any part thereof, is liable to fall down, and persons or property may thereby be endangered, they may order any owner or occupant of the premises on which such building, fence or other erection stands, to take down the same or any part thereof, within a reasonable time to be fixed by the order, or immediately, as the case may require, or immediately, or in case the order is not complied with, cause the same to be taken down at the expense of the city, on account of the owner of the premises, and assess the expense on the land on which it stood. The order, if not immediate in its terms, may be served on any occupant of the premises, or be published in the city paper, as the common council shall direct.

Buildings unsafe and dangerous may be removed.

Council to issue order, etc.

Sec. 7. The said board of health shall have power to appoint a clerk, whose duty it shall be to attend the meetings thereof, and keep a record of its proceedings, and such record, or a duly certified copy of the same, or of any part thereof, shall be *prima facie* evidence of the facts therein contained, in any court or before any officer. The compensation of the clerk of said board of health shall be fixed by said board of health, by and with the consent of the common council, and such compensation shall be paid in the same manner as the other expenses of said board.

Board of health may have a clerk

His duties and compensation.

Sec. 8. The members of said board of health shall receive such compensation for their services as the common council shall deem reasonable, to be paid from the general contingent fund of said city.

Compensation of board of health.

Sec. 9. All fines imposed under this title shall belong to the city, and when collected shall be paid into the city treasury, and be devoted to the maintenance and support of the pest-house or of any hospital that may hereafter be established by the city.

Fines under this title, how used.

TITLE X.

OF PUBLIC SCHOOLS.

School district, one in the city. Board of education a body corporate.

Sec. 1. The city of Lansing shall constitute one school district. The members of the board of education shall be a body corporate, by the name and style of "the board of education of the city of Lansing," and by that name may be sued, and shall be subject to the laws of this State relative to corporations, that may be applicable thereto. They shall hold and control all moneys, real and personal property, or other rights belonging to said school district, and shall use and expend the same solely for the benefit of the common school or schools within said city.

Their duties and powers.

Meetings of the board. Quorum, a majority of. Officers of the board and their duties.

Sec. 2. The board of education shall meet, from time to time, at such place in said city as they may designate. A majority of all the members shall constitute a quorum. They may elect from their number a president, clerk and treasurer. The said board shall keep a record of their proceedings, which shall be signed by the president and clerk; and any proceedings of said board, certified by the president and clerk, shall be evidence of the facts therein contained. The recorder's court of said city shall have jurisdiction over all prosecutions for the violation of the by-laws and ordinances passed by said board.

Recorder's court, jurisdiction in matters of this board.

Sites for school houses.

Sec. 3. The said board of education shall have full power and authority, and it shall be their duty,

First. To purchase sites and build school-houses in said city, except as hereinafter provided;

High school.

Second. To establish a high school in said city;

Superintendent of city schools.

Third. To appoint a superintendent of the common schools in said city, under the charge of said board, with such compensation not exceeding one dollar per day for actual services, and with such powers and duties as said board shall prescribe. Said superintendent may be elected clerk of said board;

School library and librarian.

Fourth. To establish a school library in said city, and designate the place or places where the same shall be kept, and to appoint a librarian, who shall not be entitled to any compensation for services as such librarian;

Fifth. To apply for and receive from the county or city ^{Public} treasurer, or other officers, all moneys appropriated, or belonging to the primary school funds of said city, or for library purposes, and to expend the same according to law; ^{moneys.}

Sixth. To make by-laws and ordinances for taking the ^{Census of} census of the children of said city; for making reports and all ^{children.} things that shall be necessary to draw the proportion of the primary school fund belonging to said city; also for levying ^{Rate bills} and collecting rate bills; for visitation of schools and the length of time schools shall be taught, (which shall not be less than six months in each year;) for the employment and examination ^{Teachers,} of teachers, and their powers and duties; for the regulation of ^{officers and} schools and the books to be used therein; for the appointment ^{books for} of necessary officers and to prescribe their powers and duties; ^{schools.} for all necessary purposes that may advance the interests of education in said city, and the good government and prosperity of the public schools.

Sec. 4. The treasurer of said city shall collect the money and ^{City treas-} keep all school funds belonging to said city separate from all ^{urer to keep} other funds, and he shall pay over to the treasurer of said ^{school mon-} board all moneys on the order of said board; he shall report ^{ies separate} to the board the condition of the school fund whenever ^{and pay} requested by them. ^{them to} ^{treasurer of} ^{school board} ^{To report} ^{condition of} ^{school fund.}

Sec. 5. The board of education of said city are hereby au- ^{Board annu-} thorized, and it shall be their duty, once in each year, to ascer- ^{ally to de-} tain and determine, by resolution passed at any regular meet- ^{termine} ing of said board, by a vote of a majority of all the members, ^{amount of} the sums necessary and proper for any or all the following ^{money} purposes: ^{needed for} ^{school pur-} ^{poses.}

First. To lease, enlarge, alter, improve and repair school-houses and their out-houses and appurtenances;

Second. To purchase, exchange, improve and repair school apparatus, books, furniture and appendages;

Third. To procure fuel, and defray the contingent expenses of the schools, and the expenses of the school library of said city, and the necessary contingent expenses of said board;

Fourth. To purchase books for the school library of said city, to an amount not exceeding one hundred dollars in any one year;

Voters to determine what am't shall be raised.

Fifth. To pay teachers' wages after the application of public moneys which may by law be appropriated and provided for that purpose; and the amount so determined by said board shall be submitted by them to the voters of said district at the annual school meeting, or at a meeting regularly called for that purpose; and the voters at such meeting shall determine, by a majority of the voters present, whether said sum, or any part thereof, shall be raised on the taxable property of said district;

Clerk to notify assessor and he shall assess the amount voted.

and the clerk of said board of education shall certify to the several supervisors or other officers, whose duty it shall be to assess the ordinary city taxes, the sums so ascertained and determined by said meeting; and the said supervisors or other officers, whose duty it shall be to assess the ordinary city taxes, shall levy the sums so certified to them upon the taxable property of said city, in the same manner as other taxes are levied.

Treasurer of the board of education, his duties.

Sec. 6. The treasurer of said board shall have charge of all moneys or funds belonging to the board, and he shall pay them out only upon the order of said board, signed by the president and countersigned by the clerk thereof. Said treasurer shall give bonds, with good and sufficient sureties, for at least double the amount of moneys intrusted to his hands, for the faithful discharge of his duties.

Erection of school buildings

Sec. 7. Whenever the said board shall determine, by resolution, what sum may be necessary to erect the necessary buildings on block eighty-one of the public square of said city, or other buildings used for school purposes in said city, said sum or such part thereof as they may deem necessary, shall be assessed and levied on the real and personal property of said city, for such building purposes, to be collected as other school moneys, and applied by said board for building, as aforesaid: *Provided*, Said resolution shall have been first approved by said school district, to be determined by a majority of the votes

in said district, at a regular city election, or at a school meeting of said district, called by said board for that purpose, said meeting to be called in the same manner as is provided by law for school districts in this State. In case of a vacancy in the office of a member of said board, the same shall be filled by appointment by a majority of said board, of a person from the ward in which such vacancy exists, which appointment shall be until the next annual election, and until his successor is elected and qualified. All the provisions of the general laws of this State, relative to common and union schools, shall apply and be in force in said city, except such as may be inconsistent with the provisions of this act, or with the by-laws and ordinances of the board of education, made under this act.

TITLE XL

MISCELLANEOUS PROVISIONS.

Sec. 1. The common council, or the mayor or other officer whose duty it shall be to judge of the sufficiency of the proposed sureties of any officer of whom a bond or instrument in writing may be required under the provisions of this act, shall examine into the sufficiency of such sureties, and shall require them to submit to an examination, under oath, as to their property; such oath may be administered by the mayor or any alderman of said city. The deposition of the surety shall be reduced to writing, be signed by him, certified by the person taking the same, and annexed to and filed with the bond or instrument in writing to which it relates. Bonds of officers, by whom and how approved.

Sec. 2. The mayor, or chairman of any committee or special committee of the common council, shall have power to administer an oath, or take any affidavit in respect to any matter pending before the common council or such committee. Oaths, who may administer.

Sec. 3. Any person who may be required to take any oath or affirmation under or by virtue of any provision of this act, who shall, under such oath or affirmation, in any statement or affidavit, or otherwise, willfully swear falsely as to any material fact or matter, shall be guilty of perjury. Perjury.

Officers,
suits against

Sec. 4. If any suit shall be commenced against any person elected or appointed under this act to any office, for any act done or omitted to be done under such election or appointment, or against any person having done any thing or act by the command of any such officer, and if final judgment be rendered in such suit whereby any such defendant shall be entitled to costs, he shall recover double costs in the manner defined by law.

May recover
double costs
in certain
cases.

Process
against the
city, how
commenced.

Sec. 5. All process issued against said city, shall run against said city in the corporate name thereof, and such process shall be served by leaving a true and attested copy of such process with the mayor or clerk of said city, at least ten days before the day of appearance mentioned therein.

Bridges and
"bridge
tax."

Sec. 6. All bridges over the Grand, Cedar and Sycamore rivers, within the limits of said city, shall be built and kept in repair by and at the expense of said city. The common council of said city is hereby authorized to levy, assess and collect, in addition to all other taxes, a sufficient amount of tax annually for that purpose, which tax shall be known and designated as "bridge tax," and shall be used for no other purpose.

Term of
office.

Sec. 7. All officers now holding office in said city, shall hold the same for the term for which they were elected.

Sec. 8. This act shall take immediate effect.

Approved March 17, 1865.

[No. 216.]

AN ACT to accept a grant of land by act of Congress, to aid in the construction of the ship canal and harbor at the head of Portage Lake, to connect with Lake Superior, and to provide for the construction of the same.

SECTION 1. *The People of the State of Michigan enact, That* the lands, franchises, rights, powers and privileges granted to and conferred upon the State of Michigan, by an act of Congress granting lands to aid in the construction of a ship canal and harbor from Portage Lake to Lake Superior, be and the

* Grant ac-
cepted.

same are hereby accepted, with the restrictions and upon the terms and conditions contained in said act of Congress.

Sec. 2. For the purpose of carrying out the objects of said ^{Grant con-} act, the said lands are hereby granted and conferred upon the ^{ferred.} Portage Lake and Lake Superior ship canal company, (a company organized under and by virtue of the laws of this State,) subject to all the conditions, restrictions and obligations herein mentioned: *And provided*, That none of said lands shall be ^{Proviso.} actually sold or otherwise disposed of, except for the purposes of hypothecation, until said canal and harbor shall be completed and accepted as hereinafter specified.

Sec. 3. It shall be the duty of the Governor of this State to ^{Engineer.} appoint an engineer, at such salary as he may determine, not exceeding two thousand and five hundred dollars a year, to be ^{Compensation of.} paid as hereinafter provided; the said engineer shall proceed ^{Duties.} to survey, lay out and establish the route of the said canal, and determine the termini thereof, and also prepare a plan for the construction of said canal and harbor in conformity with the provisions of the said act of Congress, and make a specification and diagram thereof, to be approved by the Governor, and when approved by him, the same shall be filed in the office of the Secretary of State, and a certified copy thereof, under the seal of the State, shall be filed in the office of the register of deeds, in and for the county of Houghton, and another copy thereof, certified under the said seal, shall be delivered to the said company: *Provided*, That said engineer may be removed ^{Removal.} and another one appointed, and so on from time to time, whenever the Governor may deem it best for the interest of the State.

Sec. 4. It shall be the duty of said company forthwith, after ^{Construction of canal and harbor.} having received said certified copy of the plan and specification of said canal and harbor, to proceed and construct the same in conformity therewith; and when the said company shall have ^{Completion to be certified to Governor.} completed the said canal in pursuance of the act of Congress, and in conformity with the said plan and specification, it shall be the duty of the said engineer to certify the same to the Gov-

Governor to
give certifi-
cate of com-
pletion.

ernor, whereupon it shall be the duty of the Governor to inspect the said work in person, or to appoint one or more agents to inspect the same, and determine whether the said canal and harbor are constructed as required by this act. And whenever the Governor shall determine that the said canal and harbor have been constructed by the said company, as required by said act of Congress, and in conformity with the said plan and specification, he shall certify the same to said company, and deposit a copy thereof in the office of the Secretary of State, and another copy thereof in the said office of the register of deeds, in and for said county of Houghton, and which certificate, as well as any certified copy thereof under the seal of the State, or made by said register, shall be evidence of the facts therein set forth; and when the Governor shall make such certificate and deliver the same to said company, the said company shall stand seized and possessed of the said lands as fully

Company to
be possessed
of the grant

as the State can convey the same, and free of any tax for the term of four years, if so long held by said company; and the said company may, after having received such certificate, sell and dispose of said lands as the absolute owner thereof.

Company to
pay all ex-
penses.

Sec. 5. All expenses incurred under and by virtue of this act shall be paid by the company, and the State shall not in any wise be holden therefor.

State may
regulate
tolls, etc.

Sec. 6. The State shall at all times have the right to regulate and determine the tolls to be received by said company for the use of said canal and harbor, and also to cause the same, so far as necessary, to be applied to the improvement and preservation of the same, and in such manner as it may prescribe.

Sec. 7. This act shall take immediate effect.

Approved March 18, 1865.

[No. 217.]

AN ACT to legalize the action of the several townships, city and wards in the county of Jackson, in paying bounties to volunteers, and to refund money to pay bounties.

SECTION 1. *The People of the State of Michigan enact, That* whenever any township, city or ward, in the county of Jackson, in this State, has voted or may hereafter vote money or raise a tax, or hired money or issued bonds for the purpose of paying bounties for volunteers in the military service of the United States, such action shall be deemed legal and valid, and the money or tax so voted, raised or hired, shall be paid in the same manner as other charges for ordinary expenses are paid.

Action legalized.

Money, how paid.

Sec. 2. The qualified electors in any township, city or ward in said county, may determine by a vote, by ballot, at the annual township meeting, or at any subsequent legal meeting in the year eighteen hundred and sixty-five, six days notice being given of the time for said tax to be voted upon, by the posting such notice in at least three public places in each township, city or ward, which notice is hereby required to be given by the township clerk of townships, and recorder or city clerk of the city of Jackson, that such sums paid, advanced or pledged by any individual, or by the inhabitants of such township or city as a bounty or bounties to volunteers enlisted and mustered into the military or naval service of the United States, on the last two calls of the President of the United States, and any sum that the qualified electors thereof may determine shall be raised to be paid as a bounty or bounties to volunteers enlisted as aforesaid, may be allowed and paid as claims against said township or city, but the whole amount of such allowance shall not in any case exceed the sum of three hundred dollars for each person enlisted and mustered as aforesaid; and it shall be the duty of the township clerks of said townships, and the city clerk of said city, to ascertain prior to any such meeting, as near as may be, the sums to be so authorized to be raised, and submit the same at the opening of the polls to the elect-

Electors to vote upon the payment of a bounty.

ors, and keep the same, during the meeting, open for their inspection.

Form of ballot.

Sec. 3. Those voting for the allowance and payment of such claims as mentioned in the preceding section, shall have written or printed upon their ballots, "for refunding the bounty;" and those voting against such allowance shall have written or printed upon their ballots, "against refunding the bounty;"

Manner of conducting the election.

and the ballots shall be received, disposed of and canvassed, and the result declared by the board of canvassers of election, in the same manner as is by law provided for receiving and canvassing the votes, and declaring the result of the annual

Claims to be audited and allowed.

township or city elections; and it shall be the duty of the township board of any township, and the common council of said city, which shall have voted in favor of allowing and paying the claims mentioned in this section, to audit and allow all claims which may be presented for that purpose, in proportion to the whole amount to be raised for money actually paid, as aforesaid, which allowance shall be made in the same manner as other ordinary claims are audited and allowed.

Amount to be certified to supervisors.

Sec. 4. It shall be the duty of the township clerks of townships, and the recorder or city clerk of said city, on or before the first Monday in October, in the year eighteen hundred and sixty-five, to certify to the supervisors of their respective townships, or common council of said city, the amount of indebtedness of his said township, city or ward, growing out of the payment of bounties to volunteers, as herein provided, in the same manner as is now by law his duty to report as to inci-

Duty of supervisor.

idental expenses of his township, city or ward, and it shall be the duty of such supervisor to incorporate said amount in the assessment roll for said township, city or ward, as part of the incidental expenses of such township, city or ward, and the treasurer or collector of such township, city or ward, is hereby authorized and required to collect and pay over such amount

at the same time and in the same manner as other taxes are required to be collected and paid over.

Sec. 5. This act shall take immediate effect.

Approved March 18, 1865.

[No. 218.]

AN ACT to legalize the incorporation of the village of St. Johns, in Clinton county.

SECTION 1. *The People of the State of Michigan enact, That* the incorporation of the village of St. Johns, in Clinton county, is declared to be as legal and valid as though the census had been taken in all the territory included in said village, before application was made to the board of supervisors of said county for incorporation, and as though all of the provisions of "an act to provide for the incorporation of villages," approved February seventeenth, eighteen hundred and fifty-seven, were strictly followed in the incorporation of said village; and all acts and proceedings of the electors, or of any of the officers of said village are declared legal and valid as far as the legality of such incorporation is concerned.

Approved March 18, 1865.

[No. 219.]

AN ACT to legalize the action of the townships and cities of the county of Washtenaw, in raising bounties for volunteers.

SECTION 1. *The People of the State of Michigan enact, That* all bonds, certificates, or other evidences of indebtedness heretofore issued since July, A. D. eighteen hundred and sixty-four, by the corporate authorities of any of the townships or cities of the county of Washtenaw, for the purpose of raising money to pay bounty to volunteers, or which may hereafter be issued for the same purpose, in pursuance of a vote of the

Bonds, etc.,
legalized.

qualified electors of any such township or city, had previous to the fourth day of February, A. D. eighteen hundred and sixty-five, shall be deemed to have been legally issued, and shall be a valid and lawful claim against the township or city having issued, or which shall issue the same, and shall be paid in the same manner as the ordinary township or city expenses are paid.

Sec. 2. This act shall take immediate effect.

Approved March 18, 1865.

[No. 220.]

AN ACT for the apportionment of senators in the State legislature.

Apportionment. SECTION 1. *The People of the State of Michigan enact, That* this State shall be, and is hereby divided into thirty-two senate districts, and each district be entitled to one senator, which shall be constituted as follows, viz:

First District.—The first district shall consist of the second, third, fourth, seventh and tenth wards of the city of Detroit, and the townships of Greenfield, Hamtramck and Grosse Point, in the county of Wayne, and the election returns shall be made to the clerk's office, in the county of Wayne.

Second District.—The second district shall consist of the first, fifth, sixth, eighth and ninth wards of the city of Detroit, and the election returns shall be made to the clerk's office, in the county of Wayne.

Third District.—The third district shall consist of the townships of Brownstown, Canton, Dearborn, Ecorse, Huron, Livonia, Monguagon, Nankin, Plymouth, Redford, Romulus, Springwells, Sumpter, Taylor and Van Buren, in the county of Wayne, and the election returns shall be made to the clerk's office, in the county of Wayne.

Fourth District.—The fourth district shall consist of the county of Macomb.

Fifth District.—The fifth district shall consist of the county of Oakland.

Sixth District.—The sixth district shall consist of the county of Washtenaw.

Seventh District.—The seventh district shall consist of the county of Monroe.

Eighth District.—The eighth district shall consist of the second and third wards of the city of Adrian, and the townships of Adrian, Franklin, Cambridge, Rome, Rollin, Woodstock, Hudson, Dover, Medina and Seneca, in the county of Lenawee; the election returns shall be made to the clerk's office of said county.

Ninth District.—The ninth district shall consist of the first and fourth wards of the city of Adrian, the townships of Madison, Fairfield, Ogden, Riga, Palmyra, Blissfield, Raisin, Ridgeway, Macon and Tecumseh, in the county of Lenawee; the election returns shall be made to the clerk's office of said county.

Tenth District.—The tenth district shall consist of the county of Jackson.

Eleventh District.—The eleventh district shall consist of the county of Calhoun.

Twelfth District.—The twelfth district shall consist of the county of Hillsdale.

Thirteenth District.—The thirteenth district shall consist of the county of Branch.

Fourteenth District.—The fourteenth district shall consist of the county of St. Joseph.

Fifteenth District.—The fifteenth district shall consist of the county of Cass.

Sixteenth District.—The sixteenth district shall consist of the county of Berrien.

Seventeenth District.—The seventeenth district shall consist of the county of Allegan.

Eighteenth District.—The eighteenth district shall consist of the county of Van Buren.

Nineteenth District.—The nineteenth district shall consist of the county of Kalamazoo.

Twentieth District.—The twentieth district shall consist of the counties of Barry and Eaton, and the election returns shall be made to the clerk's office of the county of Eaton.

Twenty-first District.—The twenty-first district shall consist of the counties of Ingham and Clinton, and the election returns shall be made to the clerk's office of the county of Ingham.

Twenty-second District.—The twenty-second district shall consist of the counties of Livingston and Shiawassee, and the election returns shall be made to the clerk's office of the county of Livingston.

Twenty-third District.—The twenty-third district shall consist of the county of Genesee.

Twenty-fourth District.—The twenty-fourth district shall consist of the county of St. Clair.

Twenty-fifth District.—The twenty-fifth district shall consist of the counties of Lapeer, Sanilac and Huron; the election returns shall be made to the clerk's office of the county of Lapeer.

Twenty-sixth District.—The twenty-sixth district shall consist of the counties of Saginaw, Midland, Isabella and Gratiot; the election returns shall be made to the clerk's office of the county of Saginaw.

Twenty-seventh District.—The twenty-seventh district shall consist of the counties of Tuscola, Bay, Clare, Gladwin, Iosco, Ogemaw, Roscommon, Crawford, Oscoda, Alcona, Alpena, Montmorency, Presque Isle and Cheboygan, and the election returns shall be made to the clerk's office of the county of Bay.

Twenty-eighth District.—The twenty-eighth district shall consist of the counties of Ionia and Montcalm, and the election returns shall be made to the clerk's office of the county of Ionia.

Twenty-ninth District.—The twenty-ninth district shall consist of the county of Kent.

Thirtieth District.—The thirtieth district shall consist of the counties of Ottawa, Muskegon and Oceana, and the election

returns shall be made to the clerk's office of the county of Ottawa.

Thirty-first District.—The thirty-first district shall consist of the counties of Newaygo, Mecosta, Mason, Manistee, Manitou, Leelanaw, Grand Traverse, Antrim, Emmet, Lake, Osceola, Wexford, Missaukee, Kalkaska and Otsego, and the election returns shall be made to the clerk's office of the county of Manistee.

Thirty-second District.—The thirty-second district shall consist of the counties of Mackinaw, Chippewa, Marquette, Schoolcraft, Delta, Houghton, Keweenaw, Menominee and Ontonagon, and the islands and territory attached, the islands of Lake Superior, and in Green Bay, and the Straits of Mackinaw, and the river Ste. Marie; the election returns shall be made to the clerk's office in the county of Houghton. The election returns of each county forming one district shall be made to the seat of justice of such county.

Approved March 18, 1865.

[No. 221.]

AN ACT requiring judges of probate in certain cases to give notice to foreign consuls, of an application for administration in the estate of deceased persons.

SECTION 1. *The People of the State of Michigan enact, That* whenever it shall appear, upon application to any probate court for letters of administration, or to prove the will of any deceased person, that the heirs at law of said deceased, or any of them, are residents of a foreign country, it shall be the duty of the judge of probate, to notify the consul of the foreign nation where the said heir or heirs may reside, in the city of New York, of the pendency of such application; and said notice may be given by letter addressed to such consul, and deposited in the post office, at the city or village where such application was made.

Judge of
probate to
notify for-
eign consul.

Sec. 2. This act shall take immediate effect.

Approved March 18, 1865.

Nineteenth District.—The nineteenth district shall consist of the county of Kalamazoo.

Twentieth District.—The twentieth district shall consist of the counties of Barry and Eaton, and the election returns shall be made to the clerk's office of the county of Eaton.

Twenty-first District.—The twenty-first district shall consist of the counties of Ingham and Clinton, and the election returns shall be made to the clerk's office of the county of Ingham.

Twenty-second District.—The twenty-second district shall consist of the counties of Livingston and Shiawassee, and the election returns shall be made to the clerk's office of the county of Livingston.

Twenty-third District.—The twenty-third district shall consist of the county of Genesee.

Twenty-fourth District.—The twenty-fourth district shall consist of the county of St. Clair.

Twenty-fifth District.—The twenty-fifth district shall consist of the counties of Lapeer, Sanilac and Huron; the election returns shall be made to the clerk's office of the county of Lapeer.

Twenty-sixth District.—The twenty-sixth district shall consist of the counties of Saginaw, Midland, Isabella and Gratiot; the election returns shall be made to the clerk's office of the county of Saginaw.

Twenty-seventh District.—The twenty-seventh district shall consist of the counties of Tuscola, Bay, Clare, Gladwin, Iosco, Ogemaw, Roscommon, Crawford, Oscoda, Alcona, Alpena, Montmorency, Presque Isle and Cheboygan, and the election returns shall be made to the clerk's office of the county of Bay.

Twenty-eighth District.—The twenty-eighth district shall consist of the counties of Ionia and Montcalm, and the election returns shall be made to the clerk's office of the county of Ionia.

Twenty-ninth District.—The twenty-ninth district shall consist of the county of Kent.

Thirtieth District.—The thirtieth district shall consist of the counties of Ottawa, Muskegon and Oceana, and the election

same are hereby accepted, with the restrictions and upon the terms and conditions contained in said act of Congress.

Sec. 2. For the purpose of carrying out the objects of said act, the said lands are hereby granted and conferred upon the Portage Lake and Lake Superior ship canal company, (a company organized under and by virtue of the laws of this State,) subject to all the conditions, restrictions and obligations herein mentioned: *And provided*, That none of said lands shall be actually sold or otherwise disposed of, except for the purposes of hypothecation, until said canal and harbor shall be completed and accepted as hereinafter specified.

Sec. 3. It shall be the duty of the Governor of this State to appoint an engineer, at such salary as he may determine, not exceeding two thousand and five hundred dollars a year, to be paid as hereinafter provided; the said engineer shall proceed to survey, lay out and establish the route of the said canal, and determine the termini thereof, and also prepare a plan for the construction of said canal and harbor in conformity with the provisions of the said act of Congress, and make a specification and diagram thereof, to be approved by the Governor, and when approved by him, the same shall be filed in the office of the Secretary of State, and a certified copy thereof, under the seal of the State, shall be filed in the office of the register of deeds, in and for the county of Houghton, and another copy thereof, certified under the said seal, shall be delivered to the said company: *Provided*, That said engineer may be removed and another one appointed, and so on from time to time, whenever the Governor may deem it best for the interest of the State.

Sec. 4. It shall be the duty of said company forthwith, after having received said certified copy of the plan and specification of said canal and harbor, to proceed and construct the same in conformity therewith; and when the said company shall have completed the said canal in pursuance of the act of Congress, and in conformity with the said plan and specification, it shall be the duty of the said engineer to certify the same to the Gov-

error, whereupon it shall be the duty of the Governor to inspect the said work in person, or to appoint one or more agents to inspect the same, and determine whether the said canal and harbor are constructed as required by this act. And whenever the Governor shall determine that the said canal and harbor have been constructed by the said company, as required by said act of Congress, and in conformity with the said plan and specification, he shall certify the same to said company, and deposit a copy thereof in the office of the Secretary of State, and another copy thereof in the said office of the register of deeds, in and for said county of Houghton, and which certificate, as well as any certified copy thereof under the seal of the State, or made by said register, shall be evidence of the facts therein set forth; and when the Governor shall make such certificate and deliver the same to said company, the said company shall stand seized and possessed of the said lands as fully as the State can convey the same, and free of any tax for the term of four years, if so long held by said company; and the said company may, after having received such certificate, sell and dispose of said lands as the absolute owner thereof.

Governor to give certificate of completion.

Company to be possessed of the grant

Sec. 5. All expenses incurred under and by virtue of this act shall be paid by the company, and the State shall not in any wise be holden therefor.

Company to pay all expenses.

State may regulate tolls, etc.

Sec. 6. The State shall at all times have the right to regulate and determine the tolls to be received by said company for the use of said canal and harbor, and also to cause the same, so far as necessary, to be applied to the improvement and preservation of the same, and in such manner as it may prescribe.

Sec. 7. This act shall take immediate effect.

Approved March 18, 1865.

ment, if possible; and it shall be the duty of the person having the survey made, under the direction of the surveyor, at each and every government corner so found and established, to immediately erect or cause to be erected a mound, or permanently place in the ground suitable stones to designate and perpetuate the corners thus established; and the county surveyor when surveying any lands, shall remark government corners which are in danger of being lost from neglect, and keep a record of the same in the book hereinbefore provided for.

Approved March 18, 1865.

[No. 224.]

AN ACT relative to extending the time for the collection of taxes.

SECTION 1. *The People of the State of Michigan enact, That* whenever any township, village or ward of a city shall ask and obtain an extension of time for the collection of taxes, it shall be the duty of the county treasurer of the county in which such township, village or ward of a city is located, to compute the interest due on the tax so extended, and charge the same to the township, village or ward of the city that obtained such extension, but in no case shall the interest thus computed become a general charge to the county.

Approved March 18, 1865.

[No. 225.]

AN ACT to provide for an insurance on the State library.

SECTION 1. *The People of the State of Michigan enact, That* the sum of six hundred dollars, be and the same is hereby appropriated out of any moneys in the State treasury, to the credit of the general fund, not otherwise appropriated, for an insurance on the State library.

ors, and keep the same, during the meeting, open for their inspection.

Form of ballot.

Sec. 3. Those voting for the allowance and payment of such claims as mentioned in the preceding section, shall have written or printed upon their ballots, "for refunding the bounty;" and those voting against such allowance shall have written or printed upon their ballots, "against refunding the bounty;"

Manner of conducting the election.

and the ballots shall be received, disposed of and canvassed, and the result declared by the board of canvassers of election, in the same manner as is by law provided for receiving and canvassing the votes, and declaring the result of the annual

Claims to be audited and allowed.

township or city elections; and it shall be the duty of the township board of any township, and the common council of said city, which shall have voted in favor of allowing and paying the claims mentioned in this section, to audit and allow all claims which may be presented for that purpose, in proportion to the whole amount to be raised for money actually paid, as aforesaid, which allowance shall be made in the same manner as other ordinary claims are audited and allowed.

Amount to be certified to supervisors.

Sec. 4. It shall be the duty of the township clerks of townships, and the recorder or city clerk of said city, on or before the first Monday in October, in the year eighteen hundred and sixty-five, to certify to the supervisors of their respective townships, or common council of said city, the amount of indebtedness of his said township, city or ward, growing out of the payment of bounties to volunteers, as herein provided, in the same manner as is now by law his duty to report as to inci-

Duty of supervisor.

idental expenses of his township, city or ward, and it shall be the duty of such supervisor to incorporate said amount in the assessment roll for said township, city or ward, as part of the incidental expenses of such township, city or ward, and the treasurer or collector of such township, city or ward, is hereby authorized and required to collect and pay over such amount

at the same time and in the same manner as other taxes are required to be collected and paid over.

Sec. 5. This act shall take immediate effect.

Approved March 18, 1865.

[No. 218.]

AN ACT to legalize the incorporation of the village of St. Johns, in Clinton county.

SECTION 1. *The People of the State of Michigan enact, That* the incorporation of the village of St. Johns, in Clinton county, is declared to be as legal and valid as though the census had been taken in all the territory included in said village, before application was made to the board of supervisors of said county for incorporation, and as though all of the provisions of "an act to provide for the incorporation of villages," approved February seventeenth, eighteen hundred and fifty-seven, were strictly followed in the incorporation of said village; and all acts and proceedings of the electors, or of any of the officers of said village are declared legal and valid as far as the legality of such incorporation is concerned.

Approved March 18, 1865.

[No. 219.]

AN ACT to legalize the action of the townships and cities of the county of Washtenaw, in raising bounties for volunteers.

SECTION 1. *The People of the State of Michigan enact, That* all bonds, certificates, or other evidences of indebtedness heretofore issued since July, A. D. eighteen hundred and sixty-four, by the corporate authorities of any of the townships or cities of the county of Washtenaw, for the purpose of raising money to pay bounty to volunteers, or which may hereafter be issued for the same purpose, in pursuance of a vote of the

Governor, or so much thereof as may be necessary, in the payment of arrears of the soldiers' relief fund.

Appropriation.

Sec. 2. That the sum of twenty thousand dollars, be and the same is hereby appropriated out of the military fund, for the relief of sick, disabled and needy soldiers, to be expended under the provisions of act number thirty-one, of the session laws of eighteen hundred and sixty-three.

Sec. 3. This act shall take immediate effect.

Approved March 18, 1865.

[No. 229.]

AN ACT to authorize the Schoolcraft and Three Rivers railroad company to purchase and use the railroad rights, franchises and privileges of the St. Joseph Valley railroad company.

Purchase of road, etc., authorized.

SECTION 1. *The People of the State of Michigan enact, That the Schoolcraft and Three Rivers railroad company be, and it is hereby authorized and empowered to purchase the line of railroad belonging to the St. Joseph Valley railroad company, and extending from the village of Constantine, in the county of St. Joseph, to Three Rivers, in the said county of St. Joseph, together with all the rights, credits, property, interests and right of way of the St. Joseph Valley railroad company, and to connect said railroad with the road of the Schoolcraft and Three Rivers railroad company, so as to make a continuous line of railroad from said village of Constantine to the village of Schoolcraft, in the county of Kalamazoo; and the said St. Joseph Valley railroad company is hereby authorized to sell and convey their said road, property, rights, credits and appurtenances, and rights of way to said Schoolcraft and Three Rivers railroad company; and upon such sale, the last named company shall be invested with all the rights, property, privileges and immunities owned by the St. Joseph Valley railroad company, and all rights and powers granted to it by the act incorporating the same, and shall have the same rights and priv-*

Authorized to sell.

ileges on the line of said railroad, as are now possessed and enjoyed by the said St. Joseph Valley railroad company.

Sec. 2. And in case of such sale and conveyance as mentioned in the preceding section, the said Schoolcraft and Three Rivers railroad company shall be liable for all the contracts, debts, liabilities and obligations of the said St. Joseph Valley railroad company, and for all claims and demands of any and all persons against the same, and shall perform all the contracts, obligations and duties, and pay all the debts of and demands against the said St. Joseph Valley railroad company, the same and in the same manner, as if such debts, obligations, liabilities and contracts had been originally entered into or incurred by the said Schoolcraft and Three Rivers railroad company; and the said company shall be required to fence said St. Joseph Valley railroad, and in all respects to repair, manage and conduct the management of said road as provided by chapter sixty-seven, of the compiled laws.

Company purchasing liable for all contracts, etc.

Fence, etc.

Sec. 3. This act shall take immediate effect.

Approved March 18, 1865.

[No. 230.]

AN ACT to amend an act entitled "an act to provide for the formation of companies to construct canals or harbors, and improve the same," approved March thirteenth, eighteen hundred and sixty-one, and an act amendatory thereto, approved January eighteenth, eighteen hundred and sixty-two.

SECTION 1. *The People of the State of Michigan enact,* That section nine and section eleven, of an act entitled "an act to provide for the formation of companies to construct canals or harbors, and improve the same," approved March thirteenth, A. D. eighteen hundred and sixty-one, and an act amendatory thereto, approved January eighteenth, eighteen hundred and sixty-two, be amended as to read as follows:

Sections amended.

Corporation
not to hold
lands other
than those
donated.

Sec. 9. Said corporations shall not, in their corporate capacity, hold, purchase or deal in any lands other than lands donated to said corporations, to aid in constructing said improvements, or the lands in which their canals shall run, to the width of three hundred feet on each side of such canals, or which are donated to or purchased by said corporation, for wharves or docking purposes, or which may actually be necessary for the construction and maintenance of the canals or improvements, or the fixtures connected therewith.

Commis-
sioners to
establish
rates of toll.

Sec. 11. Any such company shall be authorized to charge, demand and receive such rates of toll for the use of said canal or harbor, or for the use of any river or stream of this State, improved by said company, or for any dock, wharf or other improvements, as may be established by three commissioners, who shall be appointed by the board of supervisors of the county where the tolls are collected, or in which the greater part of such improvements shall be constructed. Said commissioners, after making a personal examination of such canal or improvement, shall fix and establish the rate of tolls and charges for each boat, vessel, raft or craft of any description, using said canal, or passing through said improved river, or any of the works of said company, and upon the goods, merchandise, or other cargo on said boat or vessel, which said tolls or charges shall be a lien upon the boat or vessel using any of the improvements of said company, or having such goods and

Tolls a lien
upon boats
and vessels.

How col-
lected.

merchandise on board, and may be collected under the provisions of an act entitled "an act to repeal chapter one hundred and twenty-two, of the revised statutes of eighteen hundred and forty-six, and the amendments thereto, and provide for the collection of demands against water craft," approved February fifth, A. D. eighteen hundred and sixty-four, and shall be collected in the distribution of funds, as provided by section thirty-three of said act, under the fourth specification of said section; and it shall be the duty of the master or clerk of any such boat or vessel, on demand of the collector or any other person authorized by said company to receive or collect such

Master or
clerk of
boat to
give state-
ment.

tolls or charges, to give such collector or other person so authorized, a true and correct statement of all goods, merchandise or other cargo on said boat or vessel, and subject to pay any toll or charges, which statement shall be verified by the oath of the master or clerk of such vessel or boat. Said board of commissioners shall deliver a certified copy of such rates of tolls or charges, to such company, a printed copy of which shall always be posted up at such place, where toll is demanded, and the board shall file another copy with the Secretary of State, which shall be duly recorded in his office; a certified copy of such record may be read in evidence in any court of this State, and shall be sufficient proof of the rates of tolls and charges due on any boat or vessel, or any goods, merchandise or other cargo: *Provided, however,* That no charge whatever shall be made for the use of any river, where such improvement has been made, for any boat, vessel, raft or craft of any description, which might or could have used said river before said improvement had been made: *Provided further,* That the said board shall, in determining the rates of toll or charges, declare what boats or vessels, or rafts are entitled to use said river free of charge.

Copy of rates to be posted and filed.

Certified copy may be given in evidence.

Certain crafts not to pay toll.

Sec. 2. This act shall take immediate effect.

Approved March 18, 1865.

[No. 231.]

AN ACT to authorize the township of Clinton, county of Macomb, to raise money to reimburse and pay Thomas L. Sackett, of said town, moneys advanced on subscriptions made by citizens of said town, to pay bounties to volunteers, under the call of the President, made July eighteenth, eighteen hundred and sixty-four.

SECTION 1. *The People of the State of Michigan enact,* That the township of Clinton, in the county of Macomb, be and hereby is authorized to raise by tax, upon the taxable inhabitants of said township, a sum not exceeding eight hundred dollars, for the purpose of paying to Thomas L. Sackett whatever

Tax authorized.

Purpose of.

sum or sums of money may have been paid out and advanced by him, as bounties to volunteers, credited to said township to fill the quota thereof, under the call by the President, for five hundred thousand men, made July eighteenth, eighteen hundred and sixty-four, on the subscriptions made by citizens of said township, to raise money for said purpose, which subscriptions finally proved not to be collectible.

Money raised, how applied.

Sec. 2. All moneys raised by virtue of the preceding section shall be applied and used by the treasurer of said township, in the payment of said Sackett, of any sum or sums of money he may have advanced and paid out for bounties under the call specified in the preceding section, over and above what was collected and pledged on certain subscriptions made to raise the sum of seven thousand dollars, or thereabouts, to aid in filling the quota of said township, which money was advanced by said Sackett, when acting as a member of a committee to raise moneys for the purpose aforesaid: *Provided*, A majority of the legal voters of said township, voting thereon, shall at any township meeting of said township, legally called, vote to raise the same.

Manner of raising and collecting the tax.

Sec. 3 The manner of assessing and collecting said tax shall be in all respects the same as now provided by law for the assessment and collection of town and county tax.

Sec. 4. This act shall take immediate effect.

Approved March 18, 1865.

[No. 232.]

AN ACT to authorize the several townships, cities and villages of the county of Allegan, to loan money, pledge their credit, or raise money by tax, to aid in the construction of a railroad through the village of Allegan.

Pledge of credit and issue of bonds authorized.

SECTION 1. *The People of the State of Michigan enact*, That it shall and may be lawful for any of the several townships, cities and incorporated villages within the county of Allegan, to pledge the credit of any such municipality, to issue bonds

or other sureties, to levy taxes and to borrow money to aid any railroad company organized, or to be organized under any law of this State, in the construction of a railroad through the village of Allegan, for any sum not exceeding ten per centum Limitation. of the assessed valuation of the property of any such municipality, at any special meeting called for that purpose, as hereinafter directed

Sec. 2. It shall be the duty of the clerk of any of said municipalities, to call a meeting of the taxable property-holding Clerk to call meeting of electors. electors thereof, on the written or printed request of fifteen freeholders of his municipality, which request shall specify the amount to be raised, the mode of raising it, the rate of interest, which shall not exceed seven per cent. per annum, the time of payment, and such other matters as may be deemed for the interest and security of the municipality; and in posting Notices to be posted. notices according to law, he shall also, with each notice post the request upon which the meeting is called. The questions submitted to the electors shall be those contained in the Form of ballot call for the meeting; and those who vote in the affirmative shall vote a ballot on which is written or printed, "aid for railroad—yes;" and those who vote in the negative shall vote a ballot, on which is written or printed, "aid for railroad—no." The meeting shall be conducted in the same manner as annual meetings are conducted, and the result shall be certified by the board of inspectors, and filed in the office of the clerk.

Sec. 4. If it shall be determined at such meeting to aid in the construction of said road, it shall be the duty of the Duties of supervisor, clerk, etc. supervisor and clerk, by the direction of the township board, and president and clerk of the corporated villages, by direction of the trustees, as the case may be, or the mayor and clerk of any city, by the direction of the common council, to loan money; to execute bonds or other sureties; to require sureties from the railroad company, and to do all other acts necessary to comply with such determination; and all moneys or sureties accruing Moneys to be deposited with treasurer. to said township, city or corporated village under this act, shall be deposited with the treasurer thereof, and held by him until

Proviso.

delivered up upon proper authority, or to his successor in office: *Provided*, That the amount of bonds which shall fall due in any one year, shall not exceed two per centum of the assessed valuation of such municipality at the time of issuing the same.

Tax for payment of principal and interest

Sec. 4. The township board of any such township, authorized by this act, and the proper officers of any such city or incorporated village, shall have power, and it shall be their duty to raise by tax or otherwise, such sum or sums of money as shall be sufficient, from time to time, to pay the principal and interest of said bonds or other obligations, as often as they become due: *Provided*, That no bonds or other evidences of debt

Bonds not to be sold for less than par.

issued under the provisions of this act, shall be sold for less than their par value, nor such bonds or other evidences of

When bonds etc., to be delivered to the company.

debt, or money arising from the sale of the same, be delivered or paid over to said railroad company, until the said road shall be finished in good running order, and the cars and rolling stock on the said road in actual running condition through the township, city or incorporated village rendering such aid, or through the townships, cities or incorporated villages opposite to and co-terminous with the municipality so aiding in the construction thereof.

Approved March 18, 1865.

[No. 233.]

AN ACT to provide for the incorporation of associations for the encouragement of the fine arts.

Powers of corporations

SECTION 1. *The People of the State of Michigan enact*, All corporations organized and established under the provisions of this act, shall be capable of suing and being sued in any court in this State, and may have a common seal, and alter and amend the same at pleasure; may elect, in such a manner as they shall determine, all necessary officers; may fix their compensation and determine their duties, and make, from time to

time, such by-laws, not inconsistent with the constitution and laws of this State, as a majority of the stockholders shall direct.

Sec. 2. Any number of persons not less than five, who shall, ^{Body corporate.} by articles of agreement in writing, associate according to the provisions of this act, under any name assumed by them, for the purpose of purchasing, and of erecting or constructing a building or galleries for the exhibition, for a reasonable admission fee, of paintings, sculpture, engravings and other works of art, and for the distribution of such works among subscribers or purchasers of right therefor, and who shall comply with the provisions of this act, shall, with their successors and assigns, constitute a body politic and corporate, in fact and name, under any name assumed by them in their articles of association: *Provided, however,* That in such distribution, each ^{Provide.} subscriber or purchaser of a right therein shall be entitled to at least one of the pieces of sculpture, paintings, engravings or specimens of the fine arts exhibited by such association for such distribution.

Sec. 3. The articles of agreement of every such association shall be signed by the persons associating in the first instance, ^{Articles of association, how executed.} and acknowledged before some officer authorized by the laws of this State to take acknowledgment of deeds, and shall state:

First. Distinctly and definitely the purpose for which the ^{Contents of.} same is formed;

Second. The amount of their capital stock, and the number of shares;

Third. The amount of capital stock actually paid in;

Fourth. The names of the stockholders, their respective residences, and the number of shares held by each person;

Fifth. The place in this State where their office for the transaction of business is located, and the county or counties in which their business is to be carried on;

Sixth. The term of its existence, not to exceed thirty years.

And such articles, with the certificate of acknowledgment ^{Articles, where filed.} thereof, shall be filed in the office of the Secretary of State of this State, and a duplicate thereof in the office of the clerk of

the county where such association shall conduct its business, and which articles shall be recorded at length in said offices, in books provided therefor at the expense of such corporation.

Annual re-
port of cor-
poration.

Sec. 4. Every such corporation shall, annually in the month of July, make a report to the Auditor General of this State, signed by a majority of the board of directors, containing,

Contents of.

First. The amount of capital actually paid in;
Second. The amount invested in real estate;
Third. The amount of personal estate;
Fourth. The amount of their debts and credits, as near as may be;

Fifth. The name of each stockholder, and the number of shares held by him at the date of such report; and every such report shall be verified on oath, by the officers signing the same; and if any person shall, as to any material facts, knowingly swear or affirm falsely, he shall be deemed guilty of perjury, and be punished accordingly.

Capital
stock, am't
of.

Sec. 5. The amount of the capital stock in every such corporation shall be fixed and limited by the stockholders in their articles of association, and shall in no case be less than twenty thousand dollars, nor more than five hundred thousand dollars, of which fifty per cent. shall be actually paid in at the time of filing such articles, and shall be divided into shares of twenty-

Increase of.

five dollars each. The capital stock may be increased, and the number of shares, at any meeting of the stockholders called for that purpose: *Provided*, That the amount so increased shall not, with the existing capital, exceed five hundred thousand dollars.

Objects of
corporation
to be stated
in articles.

Sec. 6. The purposes for which every such corporation shall be established, shall be distinctly and definitely specified in the articles of association; and it shall not be lawful for said corporation to appropriate its funds to any other purpose.

First meet-
ing of the
corporation.

Sec. 7. When any corporation shall be formed under this act, any two of those associated, may call the first meeting of the corporation, at such time and place as they may appoint, by giving notice thereof by publishing the same in some newspa-

per, at least fifteen days before the time appointed for such meeting.

Sec. 8. The stock, property and affairs of such corporation ^{Directors} shall be managed by not less than three, nor more than nine directors, as the articles shall determine, one of whom shall be a resident of this State; they shall hold their offices one year, ^{Term of} and until their successors shall be duly chosen.

Sec. 9. The directors of every such corporation shall choose ^{Officers of corporation} one of their number president, and such other officers as their articles of association and by-laws may require, who shall hold their offices one year, or until a majority of the stockholders shall choose others in their stead. The directors for the time being shall have power to fill any vacancy which may happen in their board, by death, resignation, or otherwise for the current year.

Sec. 10. The directors may call in the remaining fifty per ^{Directors may call in} cent. of the subscription to the capital stock of such corpora- ^{capital stock} tion by installments, in such portion, and at such times and places as they shall think proper, by giving notice thereof as the by-laws shall prescribe; and in case any stockholder shall ^{Sale of forfeited stock} neglect or refuse payment of any such installment, for the space of sixty days after the same shall have become due and payable, and after he shall have been notified thereof, the stock of such delinquent stockholder may be sold by the directors at public auction, at the office of the secretary of the corporation, giving at least thirty days notice in some newspaper published in the county: *Provided*, That if said stockholder shall reside ^{Provide} in the State, the stock shall be sold at the business office of said corporation, in the county in which they are doing business, giving at least thirty days notice thereof in some newspaper published in the county. If no newspaper be published ^{Publication of notice of sale} in said county in which such corporation transact their business, then it shall be published in some newspaper in the city of Detroit, and the proceeds of such sale shall be first applied in payment of the installment called for, and the expenses on the same, and the residue shall be refunded to the owner

thereof; and such sale shall entitle the purchaser to all the rights of a stockholder to the extent of the shares so bought.

Quorum. Sec. 11. A majority of the directors of every such corporation, convened according to the by-laws, shall constitute a quorum for the transaction of business; and those holding a majority of the stock, at any meeting of the stockholders, shall be capable of transacting the business of the meeting; and at all meetings of such stockholders, each share shall be entitled to one vote; stockholders may appear and vote in person, or by proxy duly filed.

Proceedings when election of directors does not take place at annual meeting. Sec. 12. If it shall so happen that an election of directors shall not take place at the annual meeting, such corporation shall not be dissolved, but the election may be held at any time thereafter, by giving thirty days notice of the time and place of such election, in the manner provided in the tenth section.

Books of corporation to be open. Sec. 13. The books of every such corporation, containing the accounts, shall, at all reasonable times, be open for the inspection of any of the stockholders, and as often as once in each year a statement of the accounts of such corporation shall be made by order of the directors, and laid before the stockholders.

Corporation may hold personal and real estate. Sec. 14. Every such corporation shall have power under their corporate name to acquire and hold all such personal estate as shall be necessary and convenient for the purposes of its organization, and such real estate as shall be required for a proper and convenient building for the purposes aforesaid, not exceeding one hundred feet in front, in any incorporated city, and may lease to others any portion of said building not needed for its own use.

Stock deemed personal property. How transferred. Sec. 15. The stock of every such corporation shall be deemed personal property, and shall be transferred only on the books of such company, in such form as the directors shall prescribe; and such corporation shall at all times have a lien upon the stock or property of its members invested therein, for all the debts due from them to such corporation, which may be enforced by advertisement and sale, in the manner herein

Corporation to have a lien on stocks.

provided for selling delinquent stock, and all purchasers at such sale shall be entitled to the rights of stockholders.

Sec. 16. Such corporation shall provide in its by-laws for the mode of distribution of the works of art amongst the subscribers and purchasers of right therein, and a printed copy of such by-laws shall be exhibited in a conspicuous place in the exhibition room of such association. Distribution of works of art.

Sec. 17. The stockholders of all corporations founded upon this act, shall be individually liable for all labor performed for such corporation or association, which said liability may be enforced against any stockholders by action founded on this statute, at any time after an execution shall be returned not satisfied against said company: *Provided, always,* That if any stockholder shall be compelled by any such action to pay the debts of any creditor, or any part thereof, he shall have the right to call upon all the stockholders to contribute their part of the sum so paid by him as aforesaid, and may sue them jointly or severally, or any member of them, and recover in such action the ratable amount due from the person or persons so sued. Stockholders individually liable. Provide.

Sec. 18. All corporations formed under the provisions of this act, shall be liable to assessment and taxation upon their real estate and personal property. Corporation liable to taxation.

Sec. 19. Service of any legal process against any corporation formed under this act, may be made on the president, secretary or agent, or if neither of them can be found in the county in which, by their articles of association, they are to do their business, then such service may be made by posting a true copy thereof on some conspicuous place at the business office in the company, in said county. Legal process against corporation, how served.

Sec. 20. If any such corporation, organized and established under this act, shall willfully violate any of its provisions, and shall thereby become insolvent, the directors ordering or assenting to such violation, shall jointly and severally be liable in an action founded on this statute, for all debts contracted after such violation. When corporation becomes insolvent directors liable.

Legislature
may rescind
powers of
corp ration.

Sec. 21. The legislature may at any time, for just cause, rescind the powers of any corporation created pursuant to the provisions of this act, and prescribe such mode as may be necessary or expedient for the settlement of its affairs.

Subject to
provisions
of former
act

Sec. 22. That this act shall be subject to the provisions of chapter fifty-five, title ten, of the revised statutes of eighteen hundred and forty-six, so far as applicable to companies formed under this act.

Approved March 18, 1865.

[No. 234.]

AN ACT to provide for the drainage and reclamation of swamp lands by means of a State road, to be known as the Allegan and Lake Shore State road.

Construc-
tion of road
authorized.

SECTION 1. *The People of the State of Michigan enact, That* there shall be laid out and established by one or more commissioners, to be appointed by the Governor, a State road, commencing at the village of Allegan, in Allegan county, Michigan, and running westerly through townships two north, of ranges fourteen, fifteen and sixteen west, to intersect the lake shore at or near section thirty, in township two north, of range sixteen west, Michigan. Said road to be laid out and constructed under the provisions of act number one hundred and seventeen, of the laws of eighteen hundred and fifty-nine, and the acts amendatory thereto, and to be known as the Allegan and Lake Shore State road.

Construc-
ted under
provisions
of former
act.

Appropri-
ation.

Sec. 2. To secure the construction of said road there is hereby appropriated an average amount of one and one-half sections of swamp land to the mile, and to be selected in the county through which the said road is made; said appropriation to be made and expended under the provisions of the aforesaid act and amendments, so far as consistent with this act.

Approved March 18, 1865.

[No. 235.]

AN ACT to provide for the construction of certain roadways and bridges, on the line of the Allegan, Muskegon and Traverse Bay State road, and to authorize the consolidation of parts of the Allegan, Muskegon and Traverse Bay State road with portions of the Manistee and Leland State road; also to divide section one of said road.

SECTION 1. *The People of the State of Michigan enact, That* there shall be and there is hereby appropriated, in addition to Appropriation. the appropriations heretofore made for the construction of said road, twenty-two sections of swamp lands, to be selected from any of the swamp lands belonging to the State, for the purpose of, and for the construction of said road, to be used and applied as follows, to wit: fifteen sections of said land for the purpose of constructing a roadway and bridge over Muskegon river, at the head of Muskegon lake, upon the line of said road; three sections of said land for the purpose of constructing a roadway and bridge over the Big Pigeon river, in the county of Ottawa, on the line of said road; four sections of said land for the purpose of constructing a bridge and roadway over the north branch and bottom lands of the Paw Paw river, in the county of Van Buren.

Sec. 2. All lands appropriated by this act shall be applied in the construction of good and substantial roadways and bridges across the streams and marshes, at the points fixed upon, on the line of said road, in the manner and under the authority provided by act number two hundred and three, of the session laws of eighteen hundred and sixty-three. Constructed under provisions of former act.

Sec. 3. The commissioner on the northern portion of the Allegan, Muskegon and Traverse Bay State road, and the commissioner of the Manistee and Leland State road, are hereby authorized to consolidate said roads into a single line, so far as in the judgment of the commissioners will best accomplish the aim of the State in regard to both roads, and best subserve postal purposes and the interest of the population along the line of said roads. The land granted by the State to the two Construction authorized.

roads shall be applied in constructing the single line when consolidated.

Appropriation, how applied.

Sec. 4. The lands granted by the State to the said two roads shall be applied in constructing the single line, with the necessary bridges over such part or parts of the route of said roads as may be consolidated or laid on the same line between the points stated in the preceding section.

Section five of road.

Sec. 5. That portion of section one, of said road, as provided in act number two hundred and three, of the session laws of eighteen hundred and sixty-three, commencing at the village of Paw Paw and extending to the south bank of the Kalamazoo river, is hereby set off, as section five of said road; and a commissioner shall be appointed for said section five, in the same manner and having the same power and duties, as provided in sections three, four and five of said act number two hundred and three, of the session laws of eighteen hundred and sixty-three.

Commissioner for.

Sec. 6. This act shall take immediate effect.

Approved March 18, 1865.

[No. 236.]

AN ACT to provide for connecting the Duncan, Alpena and Sauble river State road with the East Saginaw and Sauble river State road.

Construction of road authorized.

SECTION 1. *The People of the State of Michigan enact, That* there shall be located and constructed, under the direction of the commissioner on the Duncan, Alpena and Sauble river State road, a good and substantial highway bridge across the Sauble river, at some point on said river, so as to make the most direct connection between the last named road and the East Saginaw and Sauble river State road.

Appropriation.

Sec. 2. For the purpose of constructing the bridge and making the connection between the roads, as provided in section one of this act, there is hereby appropriated six sections of

State swamp lands, to be expended in the same manner and under the provisions of law governing the construction of said Duncan, Alpena and Sauble river State road, which last mentioned road is hereby extended across said river where said bridge shall be located: *Provided*, Said lands shall be selected *Proviso.* from the county of Iosco.

Sec. 3. This act shall take immediate effect.

Approved March 18, 1865.

[No. 237.]

AN ACT to provide for the drainage and reclamation of swamp lands by means of a road, to be known as the Montcalm and Gratiot State road.

SECTION 1. *The People of the State of Michigan enact, That* there shall be laid out and established a road, by a commissioner to be appointed by the Governor, commencing at the village of Hubbardstown, in Ionia county, thence running north on the line of Montcalm and Gratiot counties, to the north line of said counties. Construction of road authorized.

Sec. 2. Said road to be laid out and constructed under the provisions of act number one hundred and seventeen, of the session laws of eighteen hundred and fifty-nine, approved February twelfth, eighteen hundred and fifty-nine, and the acts amendatory thereto. Constructed under provisions of former acts.

Sec. 3. To secure the construction of said road, there is hereby appropriated an average amount of one section of State swamp land to the mile, to be expended under the provisions of said act and the acts amendatory thereto, to be selected from any of the State swamp lands in the counties through which the road runs, in proportion to the number of miles in each county, not otherwise selected by the State. Appropriation.

Approved March 18, 1865.

[No. 238.]

AN ACT to provide for vacating incorporated villages in certain cases.

SECTION 1. *The People of the State of Michigan enact, That*
 whenever the qualified electors of any incorporated village shall desire to vacate the incorporation of the same, or any part thereof, by altering the boundaries of the same, the board of trustees or common council of such village, upon a petition being presented to it at any regular or special meeting, signed by at least one-fourth of the legal voters of such village, as shown by the poll list of the last preceding election held in such village, praying that the incorporation of such village may be vacated, or the boundaries thereof altered, shall immediately thereupon order a special meeting of the electors of such village to be held, for the purpose of voting upon the question of vacating or altering the boundaries of the incorporation of the same, and shall give twenty days notice of the time and place of holding such meeting, by posting up written or printed notices, which shall state the object of such meeting by reciting the substance of such petition, in six of the most public places within the limits of such village.

Meeting of
electors to
vote upon
the question
of vacating.

Notice
thereof.

Form of
ballot.

Proceedings
in case of
majority
vote for
vacating.

Sec. 2. At the time of holding such meeting, all persons voting in favor of vacating the incorporation of such village, or any part thereof, as the case may be, shall have written or printed upon their ballots, "In favor of vacating;" and those voting against vacating the incorporation of such village, shall have written or printed on their ballots, "Against vacating;" and such meeting shall be conducted, and the vote shall be canvassed in the same manner as is provided for conducting elections in such village; and in case a majority of the qualified voters of such village shall vote in favor of vacating the incorporation of the same, or any part thereof, the trustees or common council of such village, or a majority of them, shall immediately thereafter cause a transcript of all the proceedings in the case, to be certified under their hands, to the county clerk

of the county in which such village is located; and in case the entire village plat is vacated, all books, records, files and papers relating to the organization of such village, be deposited with the said county clerk, for safe keeping and reference: *Provided*, That nothing in this act contained shall authorize the qualified voters of any such incorporated village to vacate or alter any recorded plat of such village, or any street or alley in the same.

Approved March 18, 1865.

[No. 239.]

AN ACT to organize union school district number one, of the township of Spaulding, in the county of Saginaw, and to authorize said district to borrow money.

SECTION 1. *The People of the State of Michigan enact*, That the township of Spaulding, in the county of Saginaw, is hereby constituted for school purposes, as a single school district, by the name of Union School District number one, of the township of Spaulding, and the voters of said district are authorized to elect a district board, and to continue the same, in accordance with the provisions of an act entitled "an act to establish graded and high schools," approved February fourteenth, one thousand eight hundred and fifty-nine, and the acts amendatory thereof; and such district and such board shall possess all the powers and privileges, and perform all the duties conferred upon district boards by the acts aforesaid, or other laws of this State, and the additional powers conferred by this act.

Sec. 2. Within ten days after each annual school meeting, the trustees elected shall meet and elect from their own number a president, secretary and treasurer, whose powers and duties, respectively, shall be the same as those conferred upon and required of the moderator, director and assessor of school districts in this State, except so far as the same are increased or modified by this act.

Powers of
board.

Sec. 3. Said district board shall have power to levy and collect such reasonable sums as they may deem proper, for the tuition of each and every scholar taught in said district, who is not actually a resident thereof, and shall also have power to fill any vacancy that may occur in said board, until the next annual meeting; to hire any and all teachers, to fix the amount of their compensation; to build and repair the school-house and all necessary additions thereto, and all necessary out-houses; to ornament the yard thereto belonging, and to adopt all such rules and by-laws as may be necessary for the preservation of all the apparatus, shrubbery or other property belonging to the district, and for the general management of the school, and in reference to all other business connected therewith; but such rules and by-laws shall not affect the equal distribution of the public moneys, the raising of taxes for building purposes, or deprive the resident scholars of the district of any of the privileges to which they are entitled by the primary school laws of this State; and said board shall not be at liberty in any one year, to expend more than two hundred dollars, unless so authorized by a vote of said district at its annual or some regularly called special meeting; all rules and by-laws of said board shall be published at least ten days prior to their taking effect, and all alterations and amendments, shall in like manner be published.

Rules, etc.,
to be published.

Treasurer to
collect tuition.

Sec. 4. The treasurer of said district shall have power in the name of the district, to collect all moneys due for the tuition of scholars who are not actually residents of said district, and to commence and prosecute actions at law therefor, under the direction of said board.

Issue of
bonds authorized.

Sec. 5. Said school district board is hereby authorized, directed or empowered, by a vote of two-thirds of the electors of the district, assembled at the regular school meeting, to issue the bonds of the district to the amount of not exceeding ten thousand dollars, upon a rate of interest not exceeding ten per cent. per annum, payable as said board shall direct, and to negotiate the same for the purpose of raising money to build a

school-house in said district; and the action heretofore had ^{Action heretofore had} and taken by said district by virtue of resolutions heretofore ^{legalized.} passed at a meeting of the voters of such district, for the raising of money by loan, so far as in good faith carried into effect, is hereby declared to be legal and valid.

Sec. 6. This act shall take immediate effect.

Approved March 18, 1865.

[No. 240.]

AN ACT to amend section six, of act two hundred and sixteen, of session laws of eighteen hundred and sixty-one, being an act to provide for the drainage of swamps, marshes and other low lands.

SECTION 1. *The People of the State of Michigan enact, That* section six, of act two hundred and sixteen, of session laws of ^{Section} eighteen hundred and sixty-one, being an act to provide for ^{amended} the drainage of swamps, marshes, and other low lands, be amended so as to read as follows:

Sec. 6. Said commissioners shall make a full report of all ^{Report of} their doings in the premises, accompanied with maps and surveys, and all other matters necessary to a full exhibition of ^{com'rs.} their action on each drain, with a copy of the verdict of the jury, or award of commissioners, as the case may be, and present the same to the board of supervisors at their next annual meeting; and the board of supervisors shall at said meeting, ^{Levy of tax} charge the aggregate sums as they are apportioned, against the ^{for the amt.} proper townships, and shall direct, the supervisor of each ^{apportioned} township in which any portion of said drain or drains may be ordered to be constructed, or tax levied, to levy the same upon the several parcels of land described in said report of his township, according to the apportionment of said commissioners, and direct the township treasurer to collect and pay said sums to the county treasurer, in like manner, at the same time with other taxes: *Provided*, Said report and apportionment contains ^{Contents of} a description and assessment of all lands through which said ^{report.}

~~When filed.~~ drain or drains may run, or which are benefited thereby, and also to file a copy of said report with the county treasurer, and one with the Auditor General, by the said board, after the levy of such tax by the board of supervisors.

Approved March 18, 1865.

[No. 241.]

AN ACT to amend section three of an act entitled "an act to provide for the collection of State and county taxes in the city of Detroit," approved March twentieth, one thousand eight hundred and sixty-three.

Section
amended.

SECTION 1. *The People of the State of Michigan enact, That* section three of an act entitled "an act to provide for the collection of State and county taxes in the city of Detroit," approved March twentieth, one thousand eight hundred and sixty-three, be amended so that the same shall read as follows:

Powers of
collectors.

Sec. 3. The collectors of said wards respectively, shall have the same power, and perform the same duties, in the collection of said taxes, as are now required by the general tax law to be performed by a township treasurer, so far as the same may

Clerk to give
notice of
filing of
bonds and
oath.

not be inconsistent with this act. Whenever any person elected or appointed collector of any ward in said city shall have qualified and filed his bond, as required by the charter of said city, it shall be the duty of the city clerk to give written notice

Treasurer to
give notice
of amount
of bonds
required.

thereof to the county treasurer; it shall be the duty of the county treasurer, on or before the tenth day of December in each year, to notify in writing each of said collectors of the amount of bond required to be given by him, which amount shall be fixed by said treasurer, and shall be at least double the amount to be collected by the collector. The collectors

Collectors to
file bonds
within five
days.

shall respectively, and within five days after receiving such notice, file their official bonds to said treasurer, and his successors, with the county treasurer, and they shall be conditioned as township treasurer bonds now are required to be; they and

the sureties thereto shall be approved by said treasurer, and the said collectors and their respective sureties shall be subject to be proceeded against for the non-performance of their duties, as said township treasurers may be; in case any collector shall fail or neglect to file his official bond within the time prescribed, his office shall be deemed vacant, and the common council may appoint some person, who shall in his stead collect the State and county taxes of the ward, and who shall qualify, and file a bond, as the collector should have done, and who will be subject to all the liabilities and duties, and entitled to all the emoluments of a collector of said ward, in respect to State and county taxes.

Failure to vacate off. •
Common council may fill vacancy.

Sec. 2. All acts and parts of acts inconsistent with the provisions of the foregoing section are hereby repealed.

Acts repealed.

Sec. 3. This act shall take immediate effect.

Approved March 18, 1865.

[No. 242.]

AN ACT to provide an additional sum for the payment of members and officers of the legislature for the year one thousand eight hundred and sixty-five.

SECTION 1. *The People of the State of Michigan enact, That* in addition to the appropriation heretofore made, there be appropriated out of any money in the treasury to the credit of the general fund, a further sum not exceeding five thousand dollars, for the payment of the members and officers of the legislature for the year one thousand eight hundred and sixty-five.

Appropriation.

Sec. 2. This act shall take immediate effect.

Approved March 18, 1865.

[No. 243.]

AN ACT to change the name of the village of Pine River, in the county of Gratiot, to St. Louis.

Name
changed.

SECTION 1. *The People of the State of Michigan enact*, That the name of the village of Pine River, in the townships of Bethany and Pine River, and county of Gratiot, be and the same is hereby changed to St. Louis.

Duty of
county reg-
ister.

Sec. 2. It shall be lawful, and it is hereby made the duty of the register of deeds of the said county of Gratiot, as soon as may be after the passage of this act, to re-number the several blocks and subdivisions into which the said village of Pine River was originally subdivided, so as to make the said blocks and subdivisions correspond numerically with and in addition to the former village of St. Louis: *Provided*, That such alteration shall not affect the title to any property lying within the limits of the said villages of St. Louis and Pine River.

Proviso.

Sec. 3. This act shall take immediate effect.

Approved March 18, 1865.

[No. 244.]

AN ACT to amend an act entitled "an act to incorporate the village of Mackinac," approved March twenty-fifth, eighteen hundred and forty-eight, and numbered one hundred and eight, and to add certain sections thereto.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections one and two of an act entitled "an act to incorporate the village of Mackinac," passed March twenty-fifth, eighteen hundred and forty-eight, and numbered one hundred and eight, be amended, so that said sections as amended shall read as follows:

Boundaries.

Sec. 1. The territorial limits of the village, and the district of county subject to the municipal jurisdiction of said corporation, shall be and include Round Island and the Island of Michilimackinac, in the State of Michigan, and the waters surrounding and adjacent to said islands of Michilimackinac and

Bound Island, for the distance of three miles from the shores of said islands, and all that tract of country situated in the county of Mackinac, and State of Michigan, be and the same is hereby constituted a village corporate, by the name of the village of Mackinac.

Sec. 2. There shall be a meeting of the citizens of said village holden annually, on the first Monday of May, for the purpose of choosing officers of said village, and that the officers chosen at such meeting shall continue in office until the expiration of the month of May then next, or until others shall be chosen and qualified in their stead. Annual election.

Sec. 17. The president and trustees, or a majority of them, shall have power within the limits and jurisdiction of the said corporation, by ordinances, resolutions or by-laws, Powers of president and trustees

First. To appoint such officers and agents as shall be deemed necessary for the execution of the powers herein granted, and to fix and regulate the compensation of all officers elected or appointed under this act: *Provided*, That the compensation of no officer shall be increased during his term of office; to prescribe and regulate their powers, rights and duties, and liabilities consistent with this act; to remove any officer elected or appointed under this act, for willful or corrupt misconduct in office, and to fill all vacancies created by such removal, or by death, resignation or otherwise; to fix and regulate the fees of officers, and costs, and all proceedings under this act, or any by-laws or ordinances passed pursuant hereto; Appointment of officers, etc.

Second. To provide for and preserve the purity and salubrity of the waters of the straits of Michilimackinac, or harbor of Mackinac; to prevent and prohibit the depositing therein of all filthy, unwholesome, or offensive matter; to prohibit and prevent the depositing therein any structure, earth or substance, tending to obstruct or impair the navigation of such straits or harbor of Mackinac, and to remove all obstructions that may at any time occur therein; to direct and regulate the lying at wharves, docks or piers, and at anchor, of boats, steamers and vessels, and all water craft; also to regulate the rate of dock Preserve the purity of water. Dock fees.

Wharves. fees or tolls, and discharging and throwing out of cargoes and ballast from the same; to erect, repair and regulate public wharves or docks at the ends of streets, and on the property of said corporation; to control and regulate the erection of private wharves or docks, so that they shall not impede the navigation of the straits or harbor of Michilimackinac, or prevent the safe lying at wharves, piers or docks, of boats, vessels or steamers, in the waters of said harbor, or straits of Michilimackinac;

Highways, streets, etc. *Third.* To work, clean and improve all highways, streets, alleys and public squares; to work and improve all public grounds belonging to or under the control of said corporation, and to control and regulate the same; to prevent and prohibit the encumbrance of highways, side-walks, streets, lanes, alleys and harbors, and to remove any obstructions therefrom; to control and regulate the same, and in the manner in which they shall be used and enjoyed; to regulate the planting, and to provide for the preservation of ornamental trees therein; to provide for the erection of lamps and lamp posts therein, and to provide and regulate the lighting of the same; to prohibit and prevent the exhibition of fireworks and firing of guns, which may be deemed by the president and trustees dangerous to life and property, or the public peace; to prohibit and prevent in the street or elsewhere, indecent exposure of the person, the sale, or show, or exhibition of indecent or obscene pictures, books or pamphlets, and all indecent or obscene shows or exhibitions of any kind, and all blaspheming, cursing or obscene language; to prohibit or prevent and regulate bathing and swimming; to prohibit or regulate the running at large of cattle, horses, swine and other animals and poultry; to prohibit and prevent, abate and remove all nuisances, and to punish the authors and maintainers thereof, and to direct the speedy abatement and removal of nuisances by some officer of the corporation, and to compel the owner or occupant of any butcher's shop or stall, slaughter house or other unwholesome or nauseous building or place, to cleanse, remove or abate the same;

Trees.

Fireworks.

Obscene pictures, etc.

Bathing.

Nuisances.

Fourth. To provide for the general health, and make regulations or by-laws to secure the same; to prevent the introduction or spreading of contagious or infectious diseases; to prevent and suppress diseases generally, and if necessary, to establish a board of health, and regulate its powers and duties; to prohibit and prevent or regulate the burying, depositing or leaving within the limits of said corporation, by any person or persons, or keeping or having on the premises owned or occupied by him or her, any dead carcass, putrid or unsound beef, pork, fish, hides, skins or any other articles, substance or thing, that is unwholesome or nauseous, and to compel and authorize the removal thereof by some officer of the corporation;

Fifth. To establish a fire department, and to provide for the prevention and extinguishment of fires, and to establish, organize and regulate fire companies; to regulate the manner of keeping and conveyance of powder, or other combustible or dangerous articles; to regulate the construction of chimneys, the putting up of stove and stove pipes, or structure or apparatus that may be dangerous in causing or promoting fires; to prohibit and prevent the burning out of chimneys, and regulate the cleaning of the same; to appoint one or more officers to enter into all buildings to discover whether the same are in a dangerous state, and to cause such as are in a dangerous state, to be put in a safe condition; to regulate the construction of all blacksmith shops, cooper shops, carpenter shops, bakeries, and all buildings and establishments usually regarded as extra hazardous in respect to fire or otherwise; to regulate the style, manner and material of buildings to be erected in places where it would render other buildings in extra danger from fire; to establish, maintain and regulate all such fire engine, hook and ladder, and hose and bucket companies, as they may deem expedient; to provide such companies with necessary and proper buildings, engines and other implements to prevent and extinguish fires, and to appoint from among the inhabitants of said village, such a number of men,

willing to accept, as may be deemed necessary and proper, to be employed as firemen;

Disorderly persons.

Sixth. To prohibit and suppress the keeping of houses of ill-fame or assignation, and disorderly houses of any kind; to

Vagrants.

restrain and prevent common vagrants, prostitutes, drunken

Gaming.

and disorderly persons; to prohibit and prevent any riot, disorderly noise, disturbances or assemblage; to prohibit, restrain

and prevent all gaming for money, with any means, instruments or devices whatsoever; to prohibit, prevent and suppress all lotteries for the drawing or disposing of money or

Unwholesome meat, etc.

other property; to prohibit, prevent and suppress the sale of any kind of unsound, nauseous and unwholesome meat, poultry, fish, vegetables, or other articles of food and provisions;

Auctioneers

Seventh. To regulate auctioneers, peddlers and pawn-brokers, and regulate auctions, peddling and pawn-brokerage, and

Exhibitions.

transient traders; to prohibit and prevent, or license and regulate all public exhibitions, concerts, representations and shows

Saloons, etc.

of any kind whatsoever, by any persons or companies; to regulate and license, and restrain the keepers of hotels, taverns

and other public houses, and keepers of any saloons, victualing, or other houses, or other places for furnishing meals, food

Markets.

or drinks; to establish markets and market places, and regulate

Licenses.

the same; to license and regulate butchers and the keeping of shops or stalls at markets or elsewhere, for the sale of

any kind of meat; fish, poultry, vegetables, food or provisions; to license and regulate keepers of billiard tables, nine or ten

pin alleys, but not for the purpose of gaming;

Inspection of bread, fish, etc.

Eighth. To direct and regulate the weight, quantity and quality of bread, the size of loaf, and the inspection thereof;

to direct and regulate the inspecting of vegetables, fish, poultry, dried, smoked, salted, pickled and other meat or fish, butter, lard, and other food and provisions, to be sold at

Weights and measures.

wholesale or retail within this State; to regulate weights and measures, and subject them to inspection and alterations, so as

to make them conformable to the standard of weights and measures, and inspection of cord-wood, staves, stave bolts,

lumber, established by the general laws of this State; to pro- Paupers.
vide for the protection and care of paupers, and to prohibit
and prevent all persons from bringing in vessels, or in any
other mode into said village, any paupers or other persons
likely to become a charge upon said village; to provide for the Burial of the
burial of strangers and poor deceased persons; to regulate the dead.
burial of the dead; to regulate all cemeteries, the use of the
same, and prohibit other than local graves;

Ninth. To make all necessary regulations relative to the Licenses.
granting, issuing and revoking of licenses, in all cases where
licenses may be granted and issued, and to fix the sum of
money to be paid therefor into the treasury of the said village;
to provide for maintaining the peace and good government of Public peace
said corporation; to provide for the calling of meetings of the
inhabitants of said village, by public notice, the time and place
thereof; to adopt and pass by-laws and ordinances necessary By laws and
to carry out and into effect, and execute the powers herein ordinances.
granted: *Provided, however,* That the same shall not be repug-
nant to this act, and the laws and constitution of this State,
or the United States. All by-laws and ordinances shall be
published by advertisement, set up in two of the most public
places in said village, or some weekly newspaper published in
said village, at least two weeks. All by-laws or ordinances To be pub-
shall take effect in five days after their passage or adoption; lished.

Tenth, To punish all offenders for violation of, or offenses Offenders.
against the provisions of this act, or any by-laws or ordinances
made in pursuance thereof, by holding to bail for good be-
havior, by imposing fines, forfeitures, penalties and costs, and
providing for the collection of the same, and by imprisonment
in the county jail for the non-payment of said fines, costs, pen-
alties and forfeitures, and until such payment shall be made;
no fine to exceed one hundred dollars, and no imprisonment
to exceed thirty days.

Sec. 18. Any justice of the peace of the township of Holmes, Jurisdiction
in said county of Mackinac, is hereby authorized and empow- of justices of
ered to take cognizance of, hear, try and determine, in a sum- the peace.

Trial by
jury.

Commence-
ment of suit

Inhabitants
not disqual-
ified from
serving as
jurors, etc.

Powers of
marshal

Duties of.

many manner, all the offenses which shall be committed within the limits of said village, and against any of the provisions of this act, or against any of the ordinances and by-laws established under and by virtue of this act, and to punish the offender or offenders, as by the by-laws and ordinances shall be prescribed or directed: *Provided*, That any person arrested on a charge of having committed such offenses aforesaid, may demand and have a jury trial; all penalties, fines and forfeitures imposed pursuant to this act, or any by-law or ordinances, may be sued for and commenced in the name of the people of the State of Michigan, in an action of debt, before any justice of the peace of said township and resides in said village, or before any other court of competent jurisdiction; all prosecutions for any such offenses as aforesaid, and all proceedings and processes therein, shall be in the name of the people of the State of Michigan. No person shall be an incompetent judge, justice of the peace, or other officer, witness or juror, by reason of his being an inhabitant or freeholder in said village, in any proceeding or prosecution under this act, or any by-laws or ordinances passed pursuant thereto, or in any action or proceeding in which said corporation shall be a party interested, or in any judicial or other proceeding.

Sec. 19. The marshal shall execute all writs or warrants and process to him lawfully directed, in all proceedings pursuant to this act, or any by-laws or ordinances; shall possess and exercise the powers and duties of an officer of the peace, which township constables, under the general laws of this State possess, and may exercise, and shall possess and exercise the same powers, for the service and execution of all such writs, process and warrants, which sheriffs have, or may by law have for the service and execution of writs and process issuing from the circuit courts of this State; he shall obey all lawful orders of the president and trustees, and shall attend the meetings of the president and trustees, and may command the aid and assistance of all constables and all other persons in the discharge of the duties imposed upon him by law; he shall have power

and authority, and it shall be a part of his duty, with or without process, to apprehend any person found disturbing the peace, or offending against any of the by-laws and ordinances of the village, and forthwith take such person before any justice of the peace of said township, to be dealt with as the by-laws and ordinances shall provide, and may imprison any person found drunk in the streets, or public saloons, or stores, until such person shall become sober.

Sec. 20. The marshal having just cause to suspect that any felony has been, or is being, or is about to be committed within any building, public or private, or on any wharf or enclosure, or on board of any ship, boat or vessel within the said village, may enter into the same at all hours of the day and night, to take all necessary measures for the effectual prevention or detection of felonies, and may take then and there into custody all persons suspected of being concerned in such felonies, and also may take charge of all property which he or they shall have then and there just cause to suspect has been stolen; the marshal may also serve or execute any criminal process issued by any justice of the peace in said township of Holmes.

Sec. 21. The said marshal is hereby authorized, and it shall be his duty, when good grounds exist for believing any house, room or saloon within said village of Mackinac is kept or used as a gambling house, or cock-pit, or place of harboring loafers and criminals, or concealing stolen goods, to enter upon such premises, taking with him or them, such constables or other persons of said village or township as shall be necessary, and if necessary, to use force for the purpose of such entry, whether by breaking open doors or otherwise; and the said marshal shall be authorized to take into custody all persons who shall be found therein, and to destroy all implements of gaming found therein, and shall forthwith convey the person or persons found therein, before a justice in said village or township, who shall proceed forthwith to hear the proof, and if there be probable cause for believing that such person or persons have been guilty of any crime or misdemeanor, then the said magistrate

Marshal
may enter
dwellings,
etc.

May enter
gaming
houses, etc.

May take
persons
found there-
in into cus-
tody.

Duty of jus-
tices on such
arrest.

shall forthwith order such person or persons to find good bail, with two householders of said village, as his or their sureties, conditioned for his or their appearance at the proper criminal court, to answer any indictment or information which may be found, and in default thereof, such magistrate shall commit such person or persons to the county jail, until his or their trials shall take place.

President
member of
board of su-
pervisors.
Removal of
marshal.

Sec. 22. The president of said village shall be a member of the board of supervisors of said county.

Sec. 23. The marshal shall at all times be subject to the supervision and control of the president and trustees, in the discharge of his official duties, and he may be removed from office by a majority of their whole number, for any refusal or neglect to comply with their orders or directions, or for any gross neglect in the discharge of other official duties; but the cause of such removal shall in all cases be made a matter of record by them.

Vacancy,
how filled.

Sec. 24. A vacancy in the office of marshal, whether by death, removal from office, resignation, or otherwise, shall be filled for the unexpired term by appointment, to be made by the president and trustees.

Compensa-
tion of offi-
cers.

Sec. 25. The president, trustees and treasurer shall not receive any compensation for their services. The marshal and clerk shall receive such compensation as the president and trustees shall prescribe.

Corporation
may use
county jail.

Sec. 26. The corporation shall be allowed the use of the common jail of the county of Mackinac, for the imprisonment of any person liable to imprisonment under the by-laws or ordinances of said corporation; and all persons so committed to said jail shall be made the charge of the sheriff, as in other cases.

Exemption
of firemen.

Sec. 27. Each member of the fire department, or engine, hook and ladder, bucket or hose company, duly organized by the president and trustees, shall be exempt from the poll tax, or serving on jury; and the president and trustees may pass such laws as they may deem proper to prevent or extinguish

fires, and to annex penalties for the violation thereof, and to compel the assistance of the citizens to aid in extinguishing any fire.

Sec. 28. All moneys received for licenses granted to tavern keepers or common victualers, under the provisions of this act, shall be paid to the county treasurer, as provided in section twenty-six, of chapter thirty-eight, of the revised statutes of eighteen hundred and forty-six. Moneys received for licenses to be paid to county treasurer.

Sec. 29. This act shall be favorably construed and received in all courts, as a public act, and copies thereof, printed under the authority of the legislature, shall be received as evidence, without further proof. Public act.

Sec. 30. No person shall be eligible to any office in this corporation unless he shall have resided in the said corporation six months next preceding his election, and unless he shall be entitled to vote therein. Who eligible to office.

Sec. 31. All acts and parts of acts relating to said village, inconsistent with the provisions of this act, are hereby repealed. Acts repealed.

Sec. 32. This act shall take immediate effect.

Approved March 18, 1865.

[No. 245.]

AN ACT to change the name of George Washington Merrill.

SECTION 1. *The People of the State of Michigan enact, That the name of George Washington Merrill, of East Saginaw, Saginaw county, Michigan, son of Guy C. Merrill, (and Eunice Merrill, now deceased,) of Pontiac, Oakland county, Michigan, born September fourth, eighteen hundred and thirty-one, be and the same is hereby changed to George Clift Merrill.* Name changed.

Approved March 18, 1865.

[No. 246.]

AN ACT to apportion anew the representatives among the several counties and districts of this State.

Apportionment. SECTION. 1. *The People of the State of Michigan enact, That* the House of Representatives shall hereafter be composed of members elected agreeable to a ratio of one representative for every eight thousand six hundred and fifty white persons and civilized persons of Indian descent, not members of any tribe, in each organized county, and one representative for a fraction equal to a moiety of said ratio, and not included therein, that is to say: within the county of Wayne, nine; within the county of Lenawee, five; within the counties of Oakland, Washtenaw and Kent, four each; within the counties of Monroe, Hillsdale, Branch, St. Joseph, Berrien, Kalamazoo, Jackson, Macomb, Genesee, Calhoun and St. Clair, three each; within the counties of Allegan, Barry, Cass, Clinton, Eaton, Ingham, Ionia, Lapeer, Livingston, Ottawa, Saginaw, Shiawassee and Van Buren, two each; within the counties of Sanilac, Huron, Houghton, Tuscola, Muskegon, Montcalm, Gratiot, Bay, Ontonogon and Keweenaw, one each; the counties of Newaygo, Mecosta, Oceola and Oceana shall compose a representative district, and be entitled to one representative, the election returns of which district shall be made to the county seat of Newaygo. The counties of Mason, Lake, Manistee, Grand Traverse, Leelanaw, Manitou, Antrim, Otsego, Crawford, Kalkaska, Missaukee, Wexford and Benzie, shall compose a representative district, and be entitled to one representative, the election returns of which shall be made to the county seat of Grand Traverse. The counties of Midland, Isabella, Clara, Ogemaw, Iosco, Alcona, Oscoda, Montmorenci, Alpena, Gladwin and Roscommon, shall compose a representative district, and be entitled to one representative; the election returns of which district shall be made to the county seat of Midland. The counties of Marquette, Schoolcraft, Delta and Menominee shall compose a representative district, and be entitled to one

representative, the election returns of which district shall be made to the county seat of Marquette. The counties of Mackinac, Emmett, Presque Isle, Chippewa and Cheboygan shall compose a representative district, and be entitled to one representative, the election returns of which district shall be made to the county seat of Mackinac.

Approved March 18, 1865.

[No. 247.]

AN ACT to amend section six, of chapter twenty-four, the same being section eleven hundred and three, of the compiled laws, relative to the repair and construction of bridges.

SECTION 1. *The People of the State of Michigan enact*, That section six, of chapter twenty-four, the same being section eleven hundred and three, of the compiled laws, be and the same is hereby amended so as to read as follows:

Section amended.

Sec. 6. If any bridge over a stream intersected by a highway, in any township in this State, has been within the last year, or shall hereafter be injured or destroyed by the occurrence of a freshet, or from any other cause, it shall be the duty of the highway commissioners of such township, on application in writing of six freeholders thereof, to proceed with all convenient dispatch to repair or re-construct such bridge, as the case may require, under the personal supervision of one of their number, or by letting a contract therefor, under existing provisions of law: *Provided*, That a majority of the highway commissioners of such township shall, upon a personal examination of the situation, determine that the public interest and convenience require such repairs to be made, or that such bridge ought to be rebuilt: *And provided*, That the sum to be expended for such repairs, or reconstruction, shall not in any one year exceed three hundred dollars in any one organized township.

Highway commissioners to repair and reconstruct bridges.

Proviso.

Amount to be expended

Sec. 2. This act shall take immediate effect.

Approved March 18, 1865.

[No. 248.]

AN ACT to enable the Jackson, Lansing and Saginaw railroad company, or any other railroad company, to make certain contracts, and to acquire certain rights now held by the Amboy, Lansing and Traverse Bay railroad company.

SECTION 1. *The People of the State of Michigan enact, That*

Agreement
for the loca-
tion of line
authorized.

it shall be lawful for the Jackson, Lansing and Saginaw railroad company, or any other railroad company, to enter into an arrangement with the Amboy, Lansing and Traverse Bay railroad company, for the location of its line of railroad from Lansing, by way of the city of Owosso, to Saginaw, upon the line of said Amboy, Lansing and Traverse Bay railroad, and for the construction of the same on said line; and in case the said Jackson, Lansing and Saginaw railroad company, or any

Agreement
to be filed in
office of Sec-
retary of
State.

other railroad company, shall make such arrangement, and shall locate the line of its railroad, substantially on said line, (the said line being subject to alteration, as provided by law.)

Rights of
company
thereafter.

then upon filing in the office of the Secretary of State, a copy of the agreement between the said companies, containing said arrangement, duly certified by the president and secretary of said respective companies, or of either of them, then said Jackson, Lansing and Saginaw railroad company, or any other railroad company, shall become entitled, in accordance with said arrangement, to receive, take, hold, sell and dispose of, the lands granted to the State of Michigan by an act of Congress, approved June third, eighteen hundred and fifty-six, for railroad purposes, and any other lands that may be hereafter granted by Congress, to aid in the construction of said line of railroad, in the same case, in like quantities, and in the same manner, as the said Amboy, Lansing and Traverse Bay railroad company might have done under existing laws, if such road from Owosso to Saginaw had been constructed by it, and the right of said Amboy, Lansing and Traverse Bay railroad company to such lands, so far as the portion of its road from Owosso to Saginaw is concerned, shall cease upon the filing of said copy of said agreement in the office of the Secretary of State.

Sec. 2. And it may and shall be lawful for the said Jackson, Lansing and Saginaw railroad company, or any other railroad company, to purchase at private, public or judicial sale, the railroad and property of any other railroad company that may be made to form a part of its said line of road from Lansing to Saginaw, or be useful in the construction of the same; and for this purpose may make all contracts deemed by the board of directors of said company, meet and proper to carry out the object of this section; and may for the purpose of obtaining means to make such purchase, as well as to obtain the means for constructing and operating its said road, mortgage its line of railroad, or any part thereof, and the property, rights and franchises owned at the time of giving said mortgage, or to which it may become subsequently entitled.

Powers of company to purchase property of other companies, etc.

Mortgage of road authorized.

Sec. 3. It shall also be competent and lawful for the said Jackson, Lansing and Saginaw railroad company to enter into any contract or arrangement with any body corporate within or without this State, for the purchase or use of rolling stock for the transaction of its business, or to lease its road, and also to procure aid in the negotiation and sale of its bonds, and to add to their value, whether it be by guaranteeing them, or by agreement to purchase them, or in any other form which may be deemed expedient, and every such contract shall be valid and binding upon both contracting parties.

Purchase of rolling stock.

Sec. 4. This act shall take immediate effect.

Approved March 18, 1865.

[No. 249.]

AN ACT to amend act number two hundred and sixty-two, of the session laws of eighteen hundred and fifty-nine, approved February fifteenth, eighteen hundred and fifty-nine, relative to insurance companies.

SECTION 1. *The People of the State of Michigan enact, That section two, of act number two hundred and sixty-two, of the session laws of eighteen hundred and fifty-nine, approved Feb-*

Section amended.

ruary fifteenth, eighteen hundred and fifty-nine, be and the same is hereby amended so as to read as follows, viz:

Companies
may re-in-
sure upon
risk.

Sec. 2. Any company organized under this act shall have power to make re-insurance upon any risks taken by them, respectively, and may make insurance upon any or all of the risks mentioned in the first, second and third subdivisions of the first section of this act, except that no company making insurance upon the lives and health of individuals shall be permitted to take any other kinds of risks, nor shall the business of life and health insurance be in any way connected or united in any company making insurance on marine and fire risks.

Exception.

Sec. 2. This act shall take immediate effect.

Approved March 18, 1865.

[No. 250.]

AN ACT to amend "an act to incorporate the city of Pontiac," approved March fifteenth, eighteen hundred and sixty-one, and to add certain sections thereto.

Section re-
pealed.

SECTION 1. *The People of the State of Michigan enact*, That section ninety-five of said act of incorporation, be and the same is hereby repealed.

Section
amended.

Sec. 2. That section eighty of said act, be amended so as to read as follows:

Common
council au-
thorized to
raise tax for
city purpo-
ses.

Sec. 80. For the purpose of defraying the expenses and liabilities incurred by said city, and paying the same, the common council may raise annually, by tax levied upon the real and personal property within said city, such sum as they may deem necessary, not exceeding of [one] half (except as hereinafter provided) of one per centum of the valuation of such real and personal estate, within the limits of said city, according to the valuation thereof, taken from the assessment roll or rolls of that year; and the sum or sums so to be raised shall be apportioned to the wards of the city according to the amount of

Amount.

Apportion-
ment of.

such real and personal estate in the respective wards, as shown by the assessment roll therefor for said year, in manner by this act provided; but such limitation shall not extend to any sums legally voted for the purpose of paying bounties to volunteers, or drafted men who shall serve in person or by substitute, in the military or naval service of the United States. Limitation not to extend to paying bounties

Sec. 3. That said act of incorporation be further amended by adding two new sections thereto, to stand as sections one hundred and seventy-seven and one hundred and seventy-eight, and to read as follows: New sections.

Sec. 177. That the mayor of the city of Pontiac shall have, and is hereby invested with power to execute deeds of conveyance to all persons who may, in their own right, hold certificates of purchase of lands in the village of Pontiac, executed by the marshal of said village, for delinquent taxes in all cases where said lands were not redeemed in accordance with the laws of this State, and such deeds shall convey all the rights and interests that might have been conveyed, if executed by the marshal of the village of Pontiac, if said corporation of the village of Pontiac still remained in full force; and such deeds executed by the mayor of the city of Pontiac, as aforesaid, shall be *prima facie* evidence of the regularity of the proceedings thereon. Mayor may execute conveyances. Effect of conveyances.

Sec. 178. Upon the execution of a deed as herein provided, it shall be the duty of the mayor to write across the certificate of purchase, the words "canceled by deed," dating the same, and signing his name officially thereto, which certificate shall then be filed in the office of the clerk of said city. The said mayor shall be allowed by the common council of said city, a reasonable compensation for the services rendered and expenses incurred in the execution of said deeds as herein authorized. Cancellation of certificate of purchase. Compensation of mayor.

Sec. 4. That section one hundred and twenty-two of said act, be amended so as to read as follows: Section amended.

Sec. 122. Every male inhabitant of said city over the age of twenty-one years, and not above the age of fifty years, except Full term

as hereinafter provided, residing in said city, shall be assessed a poll tax in said city of one dollar each, per annum.

Sec. 5. This act shall take immediate effect.

Approved March 18, 1865.

[No. 251.]

AN ACT to lay out and construct a State road, to be known as the Huron City Bad Ax State road.

SECTION 1. *The People of the State of Michigan enact, That* there shall be laid out and constructed, by a commissioner to be appointed by the Governor, a State road, commencing at Huron City, and running thence on the most eligible route to Bad Ax, in Huron county, to be known as the Huron City and Bad Ax State road.

SECTION 2. To secure the construction of said road, there is hereby appropriated an average amount of six hundred and forty acres of State swamp land to the mile, to be selected in the county where the road shall be constructed.

SECTION 3. Said road shall be constructed according to the provisions of act number one hundred and seventeen, of the session laws of eighteen hundred and fifty-nine, and the acts amendatory thereof.

Approved March 18, 1865.

[No. 252.]

AN ACT to authorize the Monroe and Flat Rock plank road company to vacate and abandon a portion of their road.

SECTION 1. *The People of the State of Michigan enact, That* the Monroe and Flat Rock plank road company are hereby authorized to vacate and abandon seven miles of their route of plank road, commencing from the northern termination thereof, at or near the Huron river, at the northern line of the county

of Monroe, at the village of Flat Rock: *Provided*, That such *Proviso*.
change of termination and abandonment of such portion of
said road, shall be of no effect whatsoever, until the same shall
be assented to at a meeting of the stockholders of said com-
pany, called and held upon such previous notice for that pur-
pose, as is required to be given for the election of directors of
said company, by a resolution to that effect, concurred in by
members holding a majority of the stock represented at said
meeting.

Sec. 2. In case a majority of the stock represented in said
company, shall consent to the abandonment and vacation of so
much of said road as above mentioned, the directors of said
company shall, within sixty days after the vote discontinuing
the same, cause to be recorded in the office of the register of
deeds in the county in which such portions of said road shall
be discontinued, a description of such part of said road as shall
by such vote be vacated and abandoned; a copy of said resolu-
tion, attested by the affidavit of the directors of said company,
shall be filed in the office of the Secretary of State, who is
hereby authorized to transmit to the secretary of said com-
pany, a certificate of the time of the filing of said resolution as
aforesaid, which certificate shall be presumptive evidence of the
same in all cases and places.

Record to
be made of
portions
discontin-
ued.

Copy to be
filed in office
of Secretary
of State.

Sec. 3. All the balance of said road, lying south of the ter-
mination of said seven miles from the northern termination,
shall remain, and the corporation of the Monroe and Flat Rock
plank road company shall apply and have existence as to the
same, in the same manner as though no portion of said plank
road had been vacated and abandoned.

Existence of
company to
continue.

Sec. 4. The said corporation or company, are authorized to
retain and dispose of their toll-house now on the road so aban-
doned and vacated, but nothing herein contained shall author-
ize the removal of the plank from any portion of said road so
abandoned or vacated, but the same shall remain for the com-

Company
may sell toll
house, etc.

Plank not
to be re-
moved.

mon benefit of the highway, wherever the same was located and placed.

Approved March 18, 1865.

[No. 253.]

AN ACT to change the time of holding the election for prosecuting attorney in the Upper Peninsula.

Election, when held. SECTION 1. *The People of the State of Michigan enact, That* at the time of electing county and State officers, on the Tuesday succeeding the first Monday in November, in the year eighteen hundred and sixty-six, and every two years thereafter, there shall be elected a prosecuting attorney in each of the counties in the Upper Peninsula; and the said election shall be conducted, the returns made, and the votes canvassed in all respects as is now provided by law for making election returns in the Upper Peninsula.

How conducted.

Sec. 2. This act shall take immediate effect.

Approved March 18, 1865.

[No. 254.]

AN ACT to detach certain territory from the county of Grand Traverse, and attach the same to the county of Antrim.

Territory detached. SECTION 1. *The People of the State of Michigan enact, That* sections one, two, eleven, twelve, and that portion of section thirteen, located on the east side of Round lake, in township twenty-eighth north, of range nine west, be and the same is hereby detached from the county of Grand Traverse, and attached to the county of Antrim.

Approved March 18, 1865.

[No. 255.]

AN ACT to amend section twenty-seven, of chapter number one hundred and eight, of the compiled laws.

SECTION 1. *The People of the State of Michigan enact, That* section twenty-seven, of chapter number one hundred and eight, of the compiled laws, shall read as follows: Section amended.

(3248.) Sec. 27. In all cases when alimony or other allowance shall be decreed to the wife or children, the court may require sufficient security to be given by the husband, for the payment thereof according to the terms of the decree; and upon the neglect or refusal of the husband to give such security, or upon his failure to pay such alimony or allowance, the court may sequester his personal estate, and may appoint a receiver thereof, and cause such personal estates, and the rents and profits of such real estate to be applied to the payment thereof; and in case the real estate of the husband shall consist wholly or in part of wild and uncultivated lands, or any other unproductive estate, the court shall have power in its discretion, to provide for the payment of such alimony or other allowance, by the sale of such lands or estate, in such manner as the court may direct; and that any circuit court in chancery shall have authority to review any decree of said court allowing alimony, on petition of either party, and may alter or amend such decree whenever such court shall, from evidence, become satisfied that any error occurred in estimating the amount of the property at the date of such decree, of the husband decreed to pay alimony, and for any cause arising after the date of such decree. Security for payment of alimony.

Sale of real estate for payment of alimony.

Review of decree.

Approved March 18, 1865.

[No. 256.]

AN ACT granting forty acres of swamp land to John Mauren, of Clinton county, Michigan, and authorizing the Commissioner of the Land Office to issue deed.

Grant of
land.

SECTION 1. *The People of the State of Michigan enact, That* forty acres of swamp land, it being the north-west quarter of the south-west quarter of section twenty-seven, in township number six north, of range four west, Clinton county, Michigan, be and the same is hereby granted to John Mauren, of Westphalia, Clinton county, Michigan.

Issue of deed
authorized.

Sec. 2. The Commissioner of the State Land Office is hereby authorized to issue to the said John Mauren a deed of the above described land, upon the said John Mauren furnishing satisfactory proof to the said Commissioner that he has occupied the said land for five continuous years next preceding this date, and that he has improved it so as to comply with act number two hundred and twenty-nine, of the session laws of eighteen hundred and fifty-nine.

Sec. 3. This act shall take immediate effect.

Approved March 18, 1865.

[No. 257.]

AN ACT to authorize school district number one, of the township of Portsmouth, in the county of Bay, to issue bonds.

Issue of
bonds au-
thorized.

Litigation.

SECTION 1. *The People of the State of Michigan enact, That* the district board of school district number one, of the township of Portsmouth, in Bay county, be and the same is hereby authorized to issue and negotiate the bonds of said district, in such sums and for such amounts, not exceeding five thousand dollars, and drawing not exceeding ten per cent. interest, and payable not exceeding ten years from date, as said school district shall direct, by a majority vote of the legal voters of said district, for the purpose of aiding in the erection of a suitable school-house in said district: *Provided, That the meeting*

Provided.

at which such bonds may be authorized shall be called in the same manner as now provided by law.

Approved March 18, 1865.

[No. 258.]

AN ACT to authorize any of the towns or municipalities in the counties of Oakland, Livingston, Wayne, Monroe and Washtenaw, to pledge their credit to aid in the construction of a railroad from the village of Holly, in the county of Oakland, to the city of Monroe, in the county of Monroe.

SECTION 1. *The People of the State of Michigan enact, That* it shall be lawful for any of the several townships or municipalities in the counties of Oakland, Livingston, Wayne, Monroe and Washtenaw, to loan or donate money to any company that is now organized, or may be hereafter organized, for the purpose of constructing a railroad from the village of Holly, in the county of Oakland, and extending southward by way of the village of Wayne, on the Michigan Central railroad, to the city of Monroe, in Monroe county; but the outstanding liability and indebtedness to be incurred for such purpose, shall not at any time exceed five per cent. of the assessed valuation of the real and personal property for the time being, of any of the said townships or municipalities in the counties of Oakland, Livingston, Wayne, Monroe and Washtenaw: *Provided, That* the electors in any of said townships or municipalities aforesaid, at a meeting called for that purpose, shall so determine.

Sec. 2. It shall be the duty of the clerk of any of said townships or municipalities, to call a meeting of the electors thereof, upon the written or printed request of twenty-five freeholders of his township or municipality, for the purpose of submitting the question of making such loan or donation to said company, notice thereof to be given by posting of notices in any such township or municipality, ten days prior to said meeting, in at least six public places in such township or municipality.

Township
board and
common
council may
pledge
credit.

Interest.

Provide

Tax to pay
principal
and interest

When money,
etc., to
be paid to
company.

Bonds not
to be sold
for less than
par.

Sec. 3. If the electors of any such township or municipality shall at such meeting determine to make such loan or donation and the amount thereof, it shall be the duty of the township board of said township, or of the common council of said municipality, voting to make such loan or donation, and they shall have power to pledge the credit of the township or municipality, to raise money to make such loan or donation, at an interest not exceeding seven per centum per annum, and for a period not exceeding ten years, and shall issue the bonds of the township or municipality therefor: *Provided*, That the amount of bonds which shall fall due in any one year shall not exceed two per centum of the assessed valuation of such township or municipality, at the time of issuing the same.

Sec. 4. In case any such township or municipality shall so decide to aid in the construction of said railroad, either by loan or donation to any such company, it shall be the duty of the supervisor of said township, and of the common council of said municipality, to assess all necessary taxes that may be required to meet the interest and the principal of any indebtedness thereby incurred: *Provided*, No bonds or other evidences of debt shall be issued under the provisions of this act, or the money arising from the sale of the same, or money raised by loan or tax, shall be paid over by the board of any township, or by the common council of any municipality, to or for any railroad company, until the ties are delivered on the line of said road, and the road bed thereof, including all bridges, culverts, cattle guards and road-crossings is fully completed, and the iron laid and the road completed ready for the cars, through the town or municipality offering such aid, or the town opposite to or co-terminous therewith: *Provided, further*, That no such bonds or other evidences of debt shall be sold for less than their par value by the representatives of the township issuing the same.

Sec. 5. This act shall take immediate effect.

Approved March 18, 1865.

[No. 259.]

AN ACT to legalize the action of the annual school meetings of school district number one, of Portage township, in Houghton county, for the years eighteen hundred and sixty-three and eighteen hundred and sixty-four.

SECTION 1. *The People of the State of Michigan enact,* That the action of the annual school meeting of school district number one, of Portage township, in eighteen hundred and sixty-three, in voting twelve hundred dollars for the purpose of erecting a school-house in Huron village, in said school district, and the action of the annual school meeting in the year eighteen hundred and sixty-four, in said school district, in voting the further sum of twelve hundred dollars, to further aid in the erection of said school-house in Huron village, and also in voting at said annual meeting, the sum of seven thousand dollars to further aid in erecting buildings for the graded and high school in said school district, be and the same are hereby declared valid and legal, and the tax so voted and assessed as aforesaid, is declared a lien upon the taxable property of said school district, and shall be collected the same as other taxes.

Sec. 2. The qualified electors at any annual or special school meeting of said school district, may vote to raise a further sum of money, not to exceed five thousand dollars, to aid in the completion of said buildings for the graded and high school in said school district, provided the same is necessary to complete said buildings.

Approved March 18, 1865.

[No. 260.]

AN ACT to organize union school district of the city of Saginaw.

SECTION 1. *The People of the State of Michigan enact,* That the city of Saginaw shall constitute one school district, which shall be a body corporate, by the name and style of union school district of the city of Saginaw, and by that name may

Powers of. sue and be sued, and shall be subject to all the general laws of this State, relative to corporations, so far as the same may be applicable, and such district shall have all the powers and privileges conferred upon school districts by the general laws of this State, all the general provisions of which, relating to common or primary schools, shall apply and be in force in said district, except such as shall be inconsistent with this act, or with the by-laws and ordinances of the board of education hereinafter mentioned, made in pursuance of this act.

Who to be admitted to school. Sec. 2. All schools organized in said district under this act shall be open to all children, actual residents within the limits of said city, between the ages of five and twenty-one years, inclusive, and to such other persons as the said board shall admit.

Board of education. Sec. 3. The officers of said district shall consist of six trustees, to be called the board of education; and the term of office of said trustees shall be three years, two of whom shall be elected annually, at the annual meeting of said district, which shall be held on the first Monday of June in each year; and within ten days after each annual election the trustees shall meet and elect from their own number, a president, secretary and treasurer, who shall severally hold their offices for one year, and until their successors shall be elected and qualified, and may at any time fill, by a new election, any vacancies that may occur in either of said offices; and their powers and duties shall severally be the same as those of the moderator, assessor and director, in school districts organized under the general laws of this State, except as the same are varied by the provisions of this act, and the ordinances and by-laws of said board.

Notice of elections. Sec. 4. The secretary of said board shall give at least ten days previous notice of the annual and all special meetings of said district, by posting notices thereof, specifying the hour, place and object of holding the same, in at least three public places in said city; and a copy of such notice shall be recorded in the book in which the record of the proceedings of such

meeting shall be kept, and such record shall be *prima facie* evidence that due notice of such meeting has been given according to its terms.

Sec. 5. Said board of education shall have power to fill all ^{Vacancies, how filled.} vacancies that may occur in the office of trustee until the next annual meeting of the district; and each trustee, within ten days after notice of his election, whether elected by said district or by said board, shall file with the secretary an acceptance of office in writing.

Sec. 6. The treasurer of said district shall, before entering upon the duties of his office, give a bond to said district, in such sum and with such surety or sureties as the said board shall approve, conditioned for the faithful performance of the duties of his office, which bond shall be filed with the secretary. ^{Treasurer to give bond.}

Sec. 7. The treasurer shall receive and hold, subject to the order of said board, all moneys belonging to said district, from ^{Treasurer to hold moneys belonging to district.} whatever sources derived; and it shall be the duty of the county treasurer and the treasurer of said city to pay over to him, on his application therefor, all moneys that shall come into their hands respectively, belonging to said district.

Sec. 8. No money of said district shall be paid by said treasurer except on the order of said board, signed by the secretary and countersigned by the president; and it shall be the duty of such treasurer to pay such orders to the extent of the funds in his hands, on presentation thereof. ^{Moneys, how paid.}

Sec. 9. A majority of the members of said board shall constitute a quorum, and the said board shall meet from time to time, at such place in said city as they may designate. Said board shall succeed to and exercise all the powers and perform ^{Quorum.} all the duties of school inspectors for said city, and the office of school inspector of said city, except as vested in and to be executed by said board, is hereby abolished; said board, before hiring any teacher, shall examine into his or her qualifications, ^{Powers of board.} and all teachers employed by said board shall be considered and deemed legally qualified; and said board shall deliver to them respectively, a certificate, stating the branches they have ^{Examination of teachers.}

been found qualified to teach, which shall continue in force so long as said board shall continue to employ such teachers in the schools of said district, unless expressly annulled by the said board; and on such certificate being annulled, any contract for the employment of the teacher named therein shall cease and determine, as though the term of such employment had expired.

Tax for school purposes, amount of to be determined by board.

Sec. 10. Said board shall also have power, and it shall be its duty, annually, to determine by vote, which shall be entered in the record of their proceedings, the amount of money necessary to be raised by tax on the property of said district, to defray the expenses of the schools of said district for the current year, and the amount necessary to pay the interest and principal of any liquidated debt due within such year from such district, and to file with the recorder of said city, on or before the first day of October in each year, a statement in

Apportionment of among the wards.

writing, of the sums so voted; and it shall be the duty of the common council to apportion said sums to be raised, among the wards of said city, according to the relative valuation of the taxable property in the same, and to cause the same to be assessed on such property in the first general tax roll thereafter made; and the assessment of such tax for said district shall be in a separate column in such roll, and the same shall be collected at the same time, and the treasurer of said city shall have the same authority, and may resort to the same modes, by virtue of the said roll and the warrant annexed thereto, to collect the same as the other taxes therein mentioned; and it shall be the duty of the city treasurer, out of the first of any moneys collected by him on said roll for all taxes, to pay over to the treasurer of said district the amount of such school and district tax as follows: one-half on the first Monday of January next succeeding the date of issuing such tax roll, and the remaining half on the first Monday of February following.

Assessment of.

Special meetings of district.

Sec. 11. Said board shall also have power to order special meetings of said district whenever any such meeting shall be

deemed necessary; and at any such special, as well as at any annual meeting of said district, a majority of the tax-payers, resident therein, in attendance, shall be entitled by vote to order any number of school-houses to be erected, and sites for the same in said city to be purchased, and to vote for raising by tax on the taxable property of said city, or partly by tax and partly by loan, on the bonds of said district, all sums necessary to purchase said sites, and to improve and ornament the same, and to erect and furnish such school-houses.

Sec. 12. Said board shall have power, and it shall be its ^{Schoolhouse sites.} duty, to select and purchase such number of sites for school-houses, as shall be directed by the vote of any district meeting or meetings; and in case a loan, for any purpose authorized by ^{Loans.} the last preceding section, shall be voted by a district meeting, it shall be the duty of said board, if possible, to borrow the money so directed to be procured, by loan, and on the time directed by said district meeting; and for this purpose a bond may be made in the name of said district, signed by the secretary and countersigned by the president, and delivered to the lender, providing for the payment of the sum borrowed, and such rate of interest as shall be agreed on, not exceeding ten per centum per annum. And a statement of any sum directed by said district meeting to be raised by tax, shall be filed with the recorder of said city within the same time as the statement of moneys voted by said board is required to be filed, and on the filing of the same, the same proceedings shall be had and taken to collect the same as is by section ten of this act authorized to collect the moneys voted by said board, and said section as to the collection and paying over the moneys, directed by said board to be raised by tax, shall apply to the collecting and paying over of the moneys voted by said district meeting, to be raised by tax.

Sec. 13. It shall be the duty of said board to improve and ^{Schoolhouse sites, etc.} ornament the sites for such school-houses, as it shall deem proper and expedient, and adopt plans of school-houses to be erected, and to erect the same and furnish them in such man-

ner, as in the judgment of said board will best subserve the purposes of their erection.

District library.

Sec. 14. Said board shall establish a district library for the use of the schools in said district, and for the increase of the same, shall appropriate annually the sum of two hundred dollars of the moneys raised by tax for school purposes; and in addition thereto, all fines collected for breach of the State or municipal laws within said city, shall be applied for the support of such library.

Board authorized to make by-laws, etc.

Sec. 15. Said board shall also have full power and authority to make by-laws and ordinances relative to taking the census of all children in said district between the ages of four and eighteen years; relative to making all necessary reports and transmitting the same to the proper officers, as designated by law, so that said city may be entitled to its proportion of the primary school fund; relative to the levying and collecting of rate bills; relative to supplying with books, the children who are destitute of the means to procure them; relative to the grading, disciplining and visitation of schools; relative to the course of study and the books to be used in the schools; relative to the appointment of necessary officers and servants in and about said schools, their powers, duties and compensation, including a superintendent of the schools of said district.

Highschools

Schoolships

Sec. 16. Said board shall also have power to establish a high school, and prescribe the course of study for the same, and to grant such certificates of scholarship and in such form as such board shall deem proper, to pupils completing satisfactorily the said course of study.

Entitled to moneys, etc., belonging to present district.

Sec. 17. Said school district hereby organized, shall succeed to, and be entitled to demand and receive all moneys and other rights, of whatsoever name or nature, belonging to the present school district in said city, hitherto known as school district number one, of the city of Saginaw, to the same extent as said last named district could do, had this act not been passed. And all real and personal property, situate in said city, hitherto belonging thereto, shall, by force of this act, become the prop-

erty of said union school district hereby organized, and all moneys raised or being raised by tax, or accrued or accruing to said former district, shall hereby become the money of said union school district, and no tax for said district, or other proceeding, shall be invalidated or affected by the change in the organization of said district, by means of this act.

Sec. 18. All debts and liabilities of said school district number one, of the city of Saginaw, whether in the form of bonds or other express contracts, or in any other form, and whether liquidated or not, shall become the debts and liabilities of said union school district of the city of Saginaw, to the same extent as they existed and were valid against said former district; and said union school district hereby organized shall be subject to be sued in the same manner, and all other proper and suitable proceedings against it may be taken as though it had been the original debtor; and in no such suit or proceeding shall the defense be urged or allowed that said school district number one was not a valid organization, but the said school district number one is hereby declared to have been duly organized, and its organization shall be deemed a valid school district, by the name aforesaid, from the date of the act incorporating the said city, to the time when this act shall take effect. Liable for its debts.

Sec. 19. The trustees and officers of said school district number one, shall be and they are hereby constituted the trustees and officers of said union school district of the city of Saginaw, and the moderator shall be the president, and the director the secretary of said board, and said trustees and officers shall continue to hold their offices respectively, for the same time as though this act had not been passed, except as modified by the time of holding the annual meetings of said district, it being the intention that the school year shall annually expire on the first Monday of June, and that all terms of office which expire in any year, shall terminate with the school year, on the Officers of School year.

election and acceptance of office, of the officers then elected, or at the first meeting of the trustees thereafter.

Sec. 10. This act shall take immediate effect.

Approved March 18, 1865.

[No. 261.]

AN ACT to provide for the incorporation of presbyterian churches.

Certificate of organization. SECTION 1. *The People of the State of Michigan enact, That* whenever any church, the government of which, by its constitution and usages, is vested in ruling elders, shall desire to have and possess corporate powers and privileges, the session or consistory of such church may execute and acknowledge, before any officer authorized to take acknowledgments of deeds, a certificate which shall contain:

Contents of. *First.* The name of the proposed corporation;

Second. The township, or city and county in which it is located;

Third. The election of such church, whether the corporate power shall be vested in the ruling elders and deacons thereof, or in the deacons alone, and whether the pastor of such church shall or shall not be a member of such corporation;

Fourth. The election of such church, whether the acts of the officers named in the exercise of their corporate power, shall or shall not be subject to be reviewed by the higher judicatories of the church, in the mode prescribed by the constitution and usages thereof.

How executed. Sec. 2. Such certificate shall be signed by at least a majority of such session or consistory, and when duly acknowledged by the signers thereof, shall be recorded in the office of the county clerk of the county named therein; and thereupon the pastor, ruling elders and deacons, the pastor and deacons, or the deacons, as the case may be, shall become a corporation by the name expressed in said certificate, but a vacancy in the office of pastor shall in no degree affect said corporation.

Corporation

Sec. 3. If, in any case where the corporate powers are vested in deacons alone, their number shall be diminished to less than two in office and residing within the bounds of the congregations, then during such time the ruling elders of such church shall be members of said corporation.

When elders
to be mem-
bers of a
corporation.

Sec. 4. Any person who shall become duly invested with the office of pastor, ruling elder or deacon, in any particular church, shall become a member of the corporation erected for that church, subject to the election of the church, as determined under the provisions of the first section of this act, and the corporate functions of all officers shall cease on the vacation of the ecclesiastical office.

Who to be
members of
corporation.

Sec. 5. If it shall happen that any church whose officers have been incorporated under this act, shall be temporarily without officers, such corporation shall not for that cause be dissolved, but the presbytery or classes to which the church belongs may appoint trustees to execute the functions of such corporation during the existence of the disability, but no longer.

Corporation
without offi-
cers not to
be dissolved

Sec. 6. The congregation of any church, of the description named in the first section of this act, the trustees of which have been incorporated under any law of this State, may elect to dissolve their existing organization, and take corporate powers under this act: *Provided*, That the consent of two-thirds of all persons present at a public meeting, and who are entitled to vote for trustees under such law be obtained, of which meeting due notice of the time and place, and object thereof, shall be given in the manner prescribed by section two thousand and twelve of the compiled laws; if such consent shall be obtained, a certificate thereof shall be executed and acknowledged by the presiding officer and secretary of such meeting, and shall be recorded in the office of the clerk of the county where the original certificate of incorporation was recorded; and on compliance with the provisions of this act, providing for the creation of such corporations, all the property, powers, duties, trusts and obligations of every kind, possessed by or pertain-

Existing cor-
porations
may organi-
ze under
this act.

Provided.

Proceeding
thereon.

ing to the original corporation, shall be transferred to and become vested in the corporation organized for the same church under this act.

Powers of
corporation.

Sec. 7. Every corporation created under this act, may sue and be sued, in all courts and places, may have a common seal, and may alter the same at pleasure, may take into their possession and custody all the temporalities of the church or congregation, whether the same shall consist of real or personal estate, and may recover and hold all debts, demands, rights and privileges, all churches, buildings and burying places belonging to the church or congregation, in whatever manner the same may have been acquired, or in whose hands soever the same may be held, as fully and amply as if the right and title thereto had been originally vested in such corporation, and may hold such an amount of real estate as shall be reasonably necessary for a church, lecture or school room, for burying places, and for dwellings for the ministers thereof, but it shall not be lawful for such corporation to hold real estate for any other purpose.

May erect
churches,
etc.

Sec. 8. Every corporation created under this act, shall also have authority under the direction of the congregation, to erect churches and meeting houses, dwelling houses for their ministers, and other buildings for the legitimate use of the church or congregation, and to alter and repair the same, and also, under the direction of the congregation, to execute and acknowledge any obligations and securities upon the property of such church or congregation for the payment of just liabilities, which may be created in the erection or repair of such church, meeting house or other buildings.

Salary of
minister.

Sec. 9. No corporation created under this act shall have the power to fix the salary or compensation to be paid any minister, but the same shall be fixed by the congregation, according to the constitution and usages of such church.

Approved March 18, 1865.

[No. 262.]

AN ACT to provide for the construction of certain drains or ditches in the county of St. Clair, and making an appropriation of swamp lands to aid in the construction of the same.

SECTION 1. *The People of the State of Michigan enact*, That a commissioner shall be appointed by the Governor, whose duty it shall be to lay out and superintend the construction of one or more drains or ditches, described as follows: To commence at some point near the head waters of Doty's creek, so called, and near the north line of section thirty-six, in the township of Muzzy, in the county of St. Clair, running thence northerly to the line of the Capac and Clyde State road, with such branch drains or ditches as shall be necessary to convey the water into the main ditch. Said commissioner is hereby authorized to locate said drains or ditches on the most feasible lines or routes, and to expend the appropriation provided for in this bill, in constructing said drains or ditches, of such length, depth and width as shall best drain said swamp, through which said drains or ditches shall be made.

Sec. 2. To secure the construction of said drains or ditches, there is hereby appropriated three thousand acres of State swamp land. Said drains and ditches to be constructed under the provisions of act number one hundred and seventeen, of the session laws of one thousand eight hundred and fifty-nine, and acts amendatory thereto.

Approved March 18, 1865.

[No. 263.]

AN ACT to provide for the laying out and constructing a State road from the head of White lake, in Muskegon county, to Big Rapids, in Mecosta county.

SECTION 1. *The People of the State of Michigan enact*, That there shall be laid out and established by a commissioner to be appointed by the Governor, a State road, commencing at or near the bridge across White lake, on the north side of said

lake, in Muskegon county, and running thence on the north side of White river, to the town of Big Rapids, Mecosta county, on the most feasible route.

Constructed
under pro-
visions of
former acts.

Sec. 2 Said road to be laid out and constructed under the provisions of act number one hundred and seventeen, of session laws of one thousand eight hundred and fifty-nine, approved February twelfth, one thousand eight hundred and fifty-nine, and the acts amendatory thereto.

Appropriation.

Sec. 3. To secure the construction of said road, there is hereby appropriated one section of State swamp lands per mile, if there is so much swamp land unappropriated in the counties through which the road runs, the same to be selected within the counties in which said road is situated, in proportion to the number of miles in each, and to be expended for the construction of said road, under the provisions of said act and the acts amendatory thereto.

Name.

Sec. 4. Said road shall be known as the White lake and Big Rapids State road.

Sec. 5. This act shall take immediate effect.

Approved March 18, 1865.

[No. 264]

AN ACT to provide for laying out a State road from the village of Lowell, in the county of Kent, to the village of Hastings, in the county of Barry.

Commissioners.

SECTION 1. *The People of the State of Michigan enact, That* Martin N. Hine and Joseph H. Richardson, of the county of Kent, and T. L. Pillsberry, of the county of Barry, be and the same are hereby appointed commissioners to lay out and establish a State road, from the village of Lowell, in the county of Kent, by way of Joseph H. Richardson's mill, in the county of Kent, to the village of Hastings, in the county of Barry.

Duties of.

Sec. 2. It shall be the duty of said commissioners to lay out and establish said road, and cause the same to be surveyed, and a description thereof to be filed with the township clerk of

each of the respective townships on the line thereof, so far as said road shall run through each of the respective townships, whose duty it shall be to record the same, and such record shall be *prima facie* evidence of the existence of said road.

Sec. 3. The right of way for such road through any lands belonging to the State is hereby granted and confirmed to the townships in which such lands lie. Right of way granted

Sec. 4. The commissioners appointed by this act may make application to any judge of the circuit court, in either of the counties in which the said road may be, either in vacation or term time, for the appointment of three commissioners, whose duty it shall be, when private property is to be taken for said road, to ascertain the necessity for taking such property, and appraise the damages thereon, if any is claimed, and the necessity for taking such property; and the compensation therefor shall be certified to by said commissioners, and the certificate filed in the office of the register of deeds for the county in which such land is situated; but the State of Michigan shall not be liable for any damages for right of way in establishing the line of said road. Proceedings when private property is taken

Sec. 5. The commissioners shall receive for their services a sum not exceeding two dollars per day, and shall also be allowed for actual expenses incurred in the employment of surveyor and other necessary help in surveying said road, which expenses shall be paid by the several towns through which the said road shall pass: *Provided*, That no township shall pay for any services rendered or expenses incurred in any other township. Compensation of commissioners

Sec. 6. For the purpose of improving said road, there shall be appropriated and expended all such of the non-resident highway taxes of the year eighteen hundred and sixty-five, and for five years thereafter, as may be collected upon any legal subdivision of land, an equal or the greater part of which shall be within two lines, running parallel with said road one and a half miles each way from the center of said road, in the township through which it may be laid out. Appropriation of highway taxes

Duty of
highway
commis-
sioners.

Sec. 7. It shall be the duty of the commissioners of highways, in any organized township through which said road may pass, to open and work the same, in the same manner and by virtue of the same law, as township roads are required to be opened and worked.

Act repealed

Sec. 8. That so much of act one hundred and thirty-six, of the session laws of eighteen hundred and fifty-nine, being an act to provide for laying out a State road in Ionia, Kent and Barry counties, as relates to the said road between the village of Lowell, in Kent county, and the village of Hastings, in the county of Barry, and all other acts and parts of acts relating to a State road between the said villages of Lowell and Hastings, be and the same are hereby repealed.

Sec. 9. This act shall take immediate effect.

Approved March 18, 1865.

[No. 265.]

AN ACT to amend section eighty-seven, of act number sixteen, of the session laws of the year eighteen hundred and sixty-two, entitled "an act for the reorganization of the military forces of the State of Michigan."

Section
amended.

SECTION 1. *The People of the State of Michigan enact, That* section number eighty-seven, of act number sixteen, of the session laws of the year one thousand eight hundred and sixty-two, be and the same is hereby amended so as to read as follows:

Soldiers
mustered
into service
exempt
from arrest
and impris-
onment.

Sec. 87. All officers, non-commissioned officers, musicians and privates, who may be mustered into the service of this State, or into the service of the United States, while under orders for service, either under the authority of this State or the government of the United States, (in all cases except for treason, felony or breach of the peace,) shall be privileged from arrest and imprisonment from the time of their being mustered into service to the time of their discharge from such service, and during the same time their separate property shall be exempt from all process, by way of attachment against soldiers

Property
exempt, &c.

who have heretofore gone into the service of this State, or of the United States, and from execution in any case; and in case any such volunteer shall hold any lands purchased of this State, belonging to any of the trust funds of this State, or otherwise, he shall forfeit no right, nor shall his rights be in any way affected by reason of any failure to pay installments of principal or interest due upon said lands for the purchase money agreed to be paid therefor, during the same period: *Privileges of volunteers holding lands purchased of the State.* *Provided*, The said installments shall be paid within one year after his discharge from said service; and no settler upon State swamp lands shall lose or forfeit any right by reason of having been mustered into service according to the provisions of this act: *Notice of exemption.* *Provided*, That any person claiming an exemption under this act, after a forfeiture of his interest in any State land, shall, on or before the first day of August in each year, file with the Commissioner of the State Land Office, a notice stating that such person is an enlisted volunteer, mustered into the service of the United States, or of this State: *And provided further*, That the time during which any such person shall be *Proviso.* absent from this State, in the military or naval service of the United States or of this State, shall not be computed in the limitation of any action or actions embraced or specified in section number one, of chapter number one hundred and sixty-five, of the compiled laws of this State.

Sec. 2. This act shall take immediate effect.

Approved March 18, 1865.

[No. 266.]

AN ACT to authorize any of the townships and cities of the counties of St. Clair, Lapeer, Genesee and Shiawassee, to pledge their credit in aid of the construction of a railroad, from Port Huron, to some point on the line of the Detroit and Milwaukee railroad, in Shiawassee county.

SECTION 1. *The People of the State of Michigan enact*, That it shall and may be lawful for any of the townships or cities in the counties of St. Clair, Lapeer, Genesee and Shiawassee to loan *Loan authorized.*

money to any railroad company, organized or to be organized for the construction of a railroad from the city of Port Huron, in the county of St. Clair, to some point on the line of the Detroit and Milwaukee railroad, in the county of Shiawassee; but the outstanding indebtedness and liability to be incurred by any such township or city, for such purpose, shall not at any time exceed five per centum of the assessed valuation for the time being, of any such city or township.

Limitation.

Issue of
bonds au-
thorized.

Sec. 2. For the several purposes mentioned in this act, the said cities and townships are severally authorized to borrow money, and on their credit to issue bonds at a rate of interest not exceeding seven per centum per annum, and for the final payment of the principal sums, and of the interest thereon, to pledge the faith of such cities or townships: *Provided, That* such bonds shall not be negotiated or sold by any such city or township at a less rate than their par value; they may also hypothecate the bonds, coupons, and other evidences of indebtedness, which they may receive from any railroad company, or any part thereof, as security for any loans they may make for the purposes aforesaid, or may sell the same or any part thereof, and apply the proceeds to the payment or purchase of the outstanding indebtedness and liabilities contracted or incurred under this act, or may exchange the same on such terms as shall be deemed advisable, for the outstanding bonds issued under the provisions of this act; but no such bonds or other evidences of indebtedness, shall be sold at less than their par value, until public notice of the intention to sell the same shall have been given for at least thirty days, and the common council, or town board or committee of electors having charge of the same, shall have fixed a minimum price below which the same shall not be sold; and no trustees, in whose hands such securities may be hypothecated, shall sell the same except upon like notice, given in a public newspaper of the same or adjoining county. The bonds so to be issued by any city or township, shall be payable at any time or times, which shall not exceed twenty years from the date thereof, and may be made pay-

Proviso.

May hy-
pothecate
bonds, etc.

For what
amount to
be sold.

Bonds, when
payable.

able at the option of the obligor at any time after the expiration of a less number of years: *Provided*, That the amount of bonds which shall fall due in any one year, shall not exceed two per centum of the assessed valuation of such city or township, at the time of issuing the same.

Sec. 3. No such loan shall be made without the assent of the people of the city or township making the same, which assent shall be obtained in the manner hereinafter provided. The common council of any such city, and the township board of any such township shall, unless the power shall be devolved upon committees of electors, as hereinafter provided for, carry into effect the determination of the electors, and shall have power to provide for and do all incidental things in reference to loans of money, authorized by the electors, and the taking and giving of securities as have been by them left undetermined; and the committee of electors which may be chosen under and by virtue of the provisions of this act, shall have like power in regard to the matter committed to their charge.

Sec. 4. Whenever the common council of any city, or the township board of any township shall deem it advisable so to do, it may call a meeting of the electors of said city or township, to consider the propriety of pledging the credit of such city or township to aid in the construction of such railroad, and shall give public notice by the posting of handbills, and a publication in one or more newspapers, of the time and place, and object of such meeting. At the time and place so appointed, the electors of the city or township shall have power to appoint a chairman, secretary, and other officers, and to consider and determine any propositions which may be made to aid in the construction of such railroad, in any of the ways enumerated in this act; to adjourn from time to time, to the same or any other place in such city or township; to appoint a committee of electors to carry into effect the determination of the meeting, and to determine such incidental matters as the meeting may leave undetermined; such meeting shall also determine the amounts, terms and conditions of any loan of

Loan not to be made without consent of citizens. Who to carry determination of electors into effect.

Call of meeting of electors.

Notice thereof.

Proceedings at meeting.

Form of bal-
lot.

Who to be
electors.

Mayor or
supervisor
to call meet-
ing upon re-
quest.

Proof of pub-
lication.

Bonds, how
executed.

moneys which it may authorize, and may determine any and all other particulars in relation thereto, not determined by this act, nor inconsistent herewith. The main question for or against such loan or aid, shall be determined by ballot, on which shall be written or printed, "aid for railroad—yes;" "aid for railroad—no;" but all other questions may be determined by *viva voce* vote, or in such other manner as the meeting may determine; the qualifications of electors at such meeting shall be those prescribed in the constitution; and if any not having the qualification of an elector, shall willfully and with intent to influence the action there taken, vote in said meeting, he shall on conviction, be deemed guilty of a misdemeanor.

Sec. 5. It shall be the duty of the mayor of any city, or the supervisor of any township, to call such meeting as is in the last section provided for, by giving the like notice, whenever requested in writing so to do by thirty of the electors of such city or township; and the meeting assembled upon such call shall possess the same power as when called by a city council or township board. It shall be the duty of the mayor of every city, and the supervisor of every township which shall avail itself of the provisions of this act, to procure affidavits of the publishing and posting of notices, and such affidavits, together with the written request of thirty or more electors, and the certified proceedings of the meetings of the electors shall be preserved and recorded in the office of the proper city or township clerk.

Sec. 6. Whenever the electors of either of said cities or townships, shall have voted to aid in the construction of such railroad, in accordance with the provisions of this act, and shall have provided for the issue of any bonds, such bonds with the coupons which may be annexed, shall be executed as follows: if by a city, they shall be signed by the mayor and officer who shall act as clerk of the common council, and such bonds impressed with the seal of the city; and if by a township, they shall be subscribed by the supervisor and township clerk; the said cities or townships shall keep a true and correct account of all bonds issued by them respectively. The treas-

urers of the cities and townships which shall avail themselves of the provisions of this act, shall have the custody of such bonds and other securities or evidences of debt, as may belong to the city or township for which they act, and shall hold and deliver the same in accordance with the orders of the common council, town board, or committee of electors, having it in charge to carry into effect the determination of the electors; such treasurer shall give such additional security as may be required of him by such board or council, and receive such compensation for his services, as the proper board and council shall consider just and reasonable.

Treasurers to have custody of bonds.

Treasurer to give security.

Sec. 7. Every such loan shall be made upon the condition that the bonds, bearing interest, of the city or township making the same, shall, at the option of such city or township, be received by the railroad company at the par value thereof, in payment of such loan; every such bond shall be drawn payable to the order of the treasurer of the city or township where issued, and when endorsed by him shall be negotiable in the hands of any bona fide holder thereof. The said treasurer shall so endorse the same, and append to his endorsement the actual date of the delivery of the same by him, and such bonds shall only bear interest from that date. If such bonds shall be negotiated by or under the direction of the proper board, council or committee, any premium which shall be received on the sale of bonds, shall be paid into the city or township treasury, and be used so as to diminish as far as may be, the amount of bonds to be issued.

Conditions of bonds.

Premium received, how applied

Sec. 8. The interest on any bonds so issued may be made payable, either annually or semi-annually, and on such days as the proper board or council may determine; and both principal and interest may be made payable at such point within this State, as the board or council may determine. All moneys received by any treasurer on account of the transactions hereby authorized, shall be so kept a separate fund from all others; and such account shall be so kept as to show upon the books of the treasurer, the business transacted with such railroad

Interest, when payable.

Moneys received to be kept a separate fund.

company. The proper local board, council or committee, may from time to time, give directions as to the manner of keeping such accounts.

Tax for pay-
ment of
bonds.

Sec. 9. It shall be the duty of the proper authorities of each city and township which shall have availed itself of the provisions of this act, to levy and collect annually such taxes, as together with the dividends arising therefrom, will pay the outstanding bonds and other incidental charges and liabilities connected therewith. In the case of a loan to a railroad company, sufficient taxes shall be annually collected to pay the interest which shall not be promptly paid by the railroad company. Provision shall be made for the payment of the

Sinking
fund.

principal sums which may grow due on such bonds, and for that purpose the proper authorities of each city and township availing itself of the provisions of this act, shall also have power to levy and collect in advance of such becoming due, by an annual tax, a sum not exceeding ten per centum per annum of the principal sums unpaid on such outstanding bonds, to be paid into a sinking fund, and invested in the purchase of such outstanding bonds, or otherwise, in such manner and under such rules and regulations as may be adopted by the

When mon-
ey or bonds
to be deliv-
ered to com-
pany.

proper authorities. The said cities are hereby severally authorized to levy and collect the said taxes in addition to those authorized by their charters: *Provided*, No bond or other evidences of debt issued under the provisions of this act, shall be negotiated or delivered to the treasurer of any city or township, for any railroad company, or said bonds or other evidences of debt, or moneys arising from the sale of the same, be delivered or paid over to said railroad company until the ties are delivered on the line of the road, the bridges, road-crossings, culverts and cattle guards fully complete, and the road-bed graded and in all ways ready for the iron, within the limits of the municipality rendering such aid.

Sec. 4. This act shall take immediate effect.

Approved March 18, 1865.

[No. 267.]

AN ACT appropriating certain highway taxes for the improvement of a road in the counties of Eaton, Ionia and Clinton.

SECTION 1. *The People of the State of Michigan enact*, That all the non-resident highway taxes which shall be assessed upon non-resident lands within one mile on each side of a certain road, viz: a road commencing at the south-east corner of Roxand, Eaton county, being town four north, of range five west, and known as the township line road between Roxand and Oneida; thence extending north on said line, to the north line of Eaton county; thence north on a line between the counties of Ionia and Clinton, to the south-east corner of section one, of Danby, Ionia county, being town five north, of range five west; thence west on the south line of said section, one mile; thence due north to the south-east corner of section twenty-three, of Portland, Ionia county, being town six north, of range five west, be and the same are hereby appropriated for the improvement of said road, for the period of five years from the passage of this act, to be expended as hereinafter provided.

Appropriation of highway taxes.

Sec. 2. That whenever any non-resident wishes to commute his road tax, hereafter to be assessed, his labor shall be expended on said road, and the special commissioners, or either of them, shall direct when, where and how the said labor shall be performed.

Commutation labor of non-residents.

Sec. 3. That S. W. Moyer, of Eaton county, David Taylor, of Ionia, and Benjamin Seldon, of Clinton county, be and the same are hereby appointed special commissioners to disburse the moneys aforesaid, in their respective counties, and shall have full power to let or contract any job of work upon said road, first giving public notice thereof, by posting up notices in the most public places within the several townships through which said road passes. Such notices shall be posted up at least ten days before the time of letting such contracts, and shall state the time when, and where the jobs will be let to the lowest bidder, who shall give bonds with one or more sufficient

Commissioners Powers of.

sureties, to the special commissioners, for the faithful performance of said contract.

Commissioners to establish a highway.

Sec. 4. It shall be the duty of the said commissioners to lay out and establish the highway four rods wide, on the line mentioned in section one of this act, on such part or parts thereof as has not been previously established by highway commissioners, and for that purpose they shall cause an accurate survey to be made of such parts of said highway, and cause the same to be recorded by the township clerk of said town through which said highway passes; and the commissioner shall proceed to appraise said damages through which said highway shall pass, which shall be assessed and collected the same as other damages assessed by highway commissioners; and if any party or parties shall consider themselves aggrieved by the decision of the commissioner, they may, within ten days thereafter, appeal in writing to the township board, who shall thereupon proceed to review the case, and their decision shall be final.

List of non-resident lands.

Sec. 5. It shall be the duty of the special commissioners to make out a correct list of all the non-resident lands designated by the first section of this act, and file the same with the treasurers of their respective counties wherein those lands are located, and it shall be the duty of the county treasurers to withhold from the several townships the moneys accruing on such non-resident lands, and pay over the same to the special commissioners.

Annual account of commissioners.

Sec. 6. It shall be the duty of the special commissioners to render to the board of supervisors of each county, at their annual session, a true account of the application and disbursement of the moneys that they may have received each year.

Oath of office.

Sec. 7. Before the said special commissioners shall enter upon the duties of their office, they shall take the oath prescribed by this State, and file the same with the clerks of their respective counties; and before they shall draw any moneys from their respective county treasurers, they shall give a bond with one or more sureties, in double the amount of the non-

Bond.

resident tax in this act appropriated, which bond shall be approved by the county treasurer and register of their respective counties.

Sec. 8. The special commissioners shall receive as a compensation for their services, one dollar per day when actually engaged in the business of such roads, which amounts shall be audited and allowed by the board of supervisors of their respective counties, and be paid out of the fund created by this act; and the said board of supervisors shall require said commissioners to certify their account by affidavit. Compensation of commissioners.

Sec. 9. In case the said special commissioners, or either of them, shall neglect or refuse to take and file the oath of office required by this act, within ninety days after the passage thereof, such neglect shall be deemed a vacancy; and all vacancies which may happen by death, removal or otherwise, shall be filled by the board of supervisors, or a majority of them, of the county in which said vacancy shall occur, and any person so appointed, shall take and file the oath and bond aforesaid. Vacancy, how filled.

Approved March 18, 1865.

[No. 268.]

AN ACT for the construction of a State road, from the western terminus of the St. Louis and geographical center of Montcalm county State road, to the south-west corner of township number eleven north, of range number ten west, on the Grand Rapids and Big Rapids State road.

SECTION 1. *The People of the State of Michigan enact, That* Hiram Rossman, be and he is hereby appointed a commissioner, to lay out and establish a State road, from the western terminus of the St. Louis and geographical center of Montcalm county State road, on the most practical route, to the south-west corner of town eleven north, of range ten west, on the Grand Rapids and Big Rapids State road. Commissioner.

Sec. 2. That the highway taxes upon the non-resident lands along the line of said road, for three miles each side thereof, Appropriation of highway taxes.

be and the same are hereby appropriated for the construction of said road, for a period of five years from the first day of January, one thousand eight hundred and sixty-five, to be expended as hereinafter provided.

Commuta-
tion money
to be paid
comm'r.

Sec. 3. Any overseer of highways, within any township through which such road may run, or any township treasurer thereof, having received any portion of such non-resident highway tax, for any portion of the period above specified, by way of commutation or otherwise, shall on demand of the special commissioner hereinbefore named in this act, pay over to him any sums so received; and the receipt of said commissioner shall release any such overseer or treasurer from any liability therefor.

Duties of
comm'r.

Sec. 4. It shall be the duty of the said commissioner to file with the township clerks of the townships through which said road may pass, a full description of the route and survey of the said road, as surveyed and established by him, and also to make out and file with the county treasurer of the county of Montcalm, a description by sections or subdivisions, of all non-resident lands lying within three miles of the line of said road upon either side thereof, and within the limits of the county of Montcalm; and also to make out and file with the treasurer of the county of Kent, a like description of all such lands, lying in whole or in part within the same distance of the line of said road, and within the county of Kent.

Commis-
sioner to su-
perintend
the expen-
diture of
money,
etc.

Sec. 5. It shall be the duty of such special commissioner to superintend the expenditure of such sums of money as may be collected and received by him for the benefit and improvement of said road, and direct the manner the same shall be applied: *Provided*, That the said special commissioner shall lay out said road in accordance with the provisions of the general highway laws, so far as the same relates to assessing damages to private property, over which said road may pass; but the State of Michigan shall not be liable for any damages for right of way in establishing the line of said road.

Sec. 6. It shall be the duty of said special commissioner to <sup>Annual re-
port of com-
missioner.</sup> render to the board of supervisors of the counties of Montcalm and Kent, at their annual session in each year, a true account, verified by his oath or affidavit, of the application and disbursement of all moneys that he may have received for constructing said road.

Sec. 7. Before the said special commissioner shall enter upon ^{Bond of} the duties of his office, he shall execute to and file with the treasurer of Montcalm county, a bond with one or more sureties, to be approved by said treasurer, in double the amount estimated to come into his hands by virtue of his office, conditioned for the faithful performance of his duties as such commissioner.

Sec. 8. The said special commissioner shall receive as com- <sup>Compensa-
tion of com-
missioner.</sup> pensation for his services, not exceeding two dollars and fifty cents per day while actually engaged as such commissioner, which amount shall be audited by the board of supervisors of Montcalm county, and paid out of the fund created by this act; and the account of said commissioner shall be verified by his oath or affidavit.

Sec. 9. In case the above mentioned commissioner shall not <sup>Vacancy,
how filled</sup> accept of the appointment under this act, or any vacancy shall occur in the office of said special commissioner, or the commissioner shall be removed for any cause, at any time, the county clerk, prosecuting attorney and judge of probate of Montcalm county, or a majority of them, are hereby authorized to remove said special commissioner upon a satisfactory showing that he has not discharged the duties of said office properly, and may appoint a special commissioner to fill such vacancy.

Sec. 10. Before the county treasurer of Kent county shall be <sup>Certificate
of filing of
bond.</sup> required to pay over to the said commissioner any moneys received and held by him under the provisions of this act, the said commissioner shall deliver or cause to be delivered to him, (the said treasurer,) a certificate from the county treasurer of Montcalm county, certifying that the official bond of the said

commissioner, duly executed and approved, has been received by him and placed on file in his office.

Approved March 18, 1865.

[No. 269.]

AN ACT to provide for the sale of certain swamp lands, licensed under act number two hundred and twenty-nine, of the session laws of eighteen hundred and fifty-nine, and acts amendatory thereto.

SECTION 1. *The People of the State of Michigan enact, That*

Sale of li-
censed land
authorized. any swamp land, licensed under and by virtue of act number two hundred and twenty-nine, of the session laws of eighteen hundred and fifty-nine, and all acts amendatory thereto, from and after the expiration of five years from the date of the license, may be sold by the Commissioner of the State Land Office, the same as other swamp lands are now sold: *Provided,*

Proof of,
non-occupy-
tion, etc. It shall appear from the affidavit of the supervisor, or two responsible citizens of the township in which such lands are situated, that no settlement has been made by the original licensee, as contemplated in the act licensing the same; that said licensee has no valuable improvements thereon; also, that such licensee cannot claim exemption under the provisions of section eighty-seven, of act number sixteen, of the session laws of eighteen hundred and sixty-two.

Persons
abandoning
lands for
two years
to forfeit all
rights there-
to. **Sec. 2.** Any person holding a license for the settlement of State swamp lands, under and by virtue of act number one hundred and eight, of the session laws of eighteen hundred and sixty-one, who shall abandon and not reside upon the lands described in his license for two years, shall forfeit his license; and upon the filing with said Commissioner the affidavit of the supervisor, or two responsible citizens of the township in which said lands are situated, that any licensee has abandoned said land, and has not resided upon the same for two years last past, said Commissioner shall declare said license void, and may sell the said swamp lands the same as other swamp

Upon proof
of abandon-
ment com'r
may sell the
land.

lands are sold: *Provided*, That no such licensee shall be deemed *Proviso*. to have abandoned his land by reason of being engaged in the military or naval service of the United States.

Sec. 3. This act shall take immediate effect.

Approved March 18, 1865.

[No. 270.]

AN ACT to authorize the Governor to appoint a commissioner on that part of the Forestville and East Saginaw State road, situate in the counties of Tuscola and Saginaw.

SECTION 1. *The People of the State of Michigan enact, That* the Governor of this State is hereby authorized and empowered to appoint a commissioner on that part of the Forestville and East Saginaw State road, situate in the counties of Tuscola and Saginaw. Appointment of commissioner authorized.

Approved March 18, 1865.

[No. 271.]

AN ACT to legalize the action of certain townships in Clinton county, in raising bounty for volunteers, and to authorize them to refund money advanced to volunteers.

SECTION 1. *The People of the State of Michigan enact, That* at the next annual meeting, or at any special township meeting, legally called, within one year after the approval of this act, the electors of each of the townships of Watertown and Eagle, in Clinton county, may vote by ballot, for or against paying all sums of money back to the persons who have advanced or contributed such money for the purpose of paying bounties to volunteers, or men drafted, or substitutes for men drafted into the military service of the United States, on any call of the President of the United States for volunteers since the first day of July, eighteen hundred and sixty-four, and mustered into said service before the fourth day of February, eight- Electors authorized to refund money advanced.

teen hundred and sixty-five, and may vote for or against paying interest on such sums of money, at seven per cent per annum.

Township board to draw orders for amounts advanced.

Interest.

How executed.

Tax for payment of orders.

Duty of clerk.

Sec. 2. When the electors of either of said townships shall have voted in favor of paying said money back, the township board of such township shall draw orders on the township treasurer of such township in favor of the persons who shall have advanced or contributed said money, for the amount that they shall have severally advanced or contributed, to fill the quota of such township, on said calls, with or without interest added thereto, from the time of such advances or contributions, according as said electors shall have determined by their vote. Said orders shall draw interest at seven per cent per annum, and shall be made payable at such time or times, within three years from the day of the said vote of said electors, as said electors shall determine by a viva voce vote, taken at or near one o'clock of the day on which said vote by ballot is taken; and said orders shall be signed by the supervisor, and countersigned by the township clerk of each township, and shall be legal and binding on such township, and paid by such township, when they become due, through said township treasurer.

Sec. 3. The supervisor of such township so having voted, shall levy sufficient taxes upon the taxable property of such township, to pay all such orders as fast as they mature, which taxes shall be levied and collected in the same manner as ordinary township taxes are. It shall be the duty of the township clerk of such township, on or before the second Monday of October, in each year, to give said supervisor a statement of the money necessary to be raised, to pay said orders so maturing.

Sec. 4. This act shall take immediate effect.

Approved March 20, 1865.

[No. 272.]

AN ACT to amend sections sixteen, eighteen, twenty-one and twenty-two, of chapter eighteen, of the compiled laws, relative to hawkers and peddlers.

SECTION 1. *The People of the State of Michigan enact, That* sections sixteen, eighteen, twenty-one and twenty-two, of chapter eighteen, of the compiled laws, being chapter twenty-one, of the revised statutes of this State, be amended so as to read as follows: Sections amended.

Sec. 16. No person shall be authorized to travel from place to place within this State, for the purpose of carrying to sell, or exposing to sale any goods wares or merchandise, or to take orders for the purchase of goods, wares or merchandise, by sample lists or catalogues, unless he shall have obtained a license as a hawker and peddler in the manner hereinafter directed. Hawkers and peddlers required to take out license.

Sec. 18. Every such applicant, before he shall be entitled to a license, shall pay into the State treasury the following duties: Payment of duties.
if he intend to travel on foot, the sum of fifteen dollars; if he intend to travel and carry his goods with a single horse or other beast carrying or drawing a burthen, the sum of forty dollars: Amounts.
if he intend to travel with any vehicle drawn by more than one horse or other animal, the sum of seventy-five dollars; if he intend to travel by railroad, steamboat or other public conveyance, the sum of one hundred dollars; if he intend to travel in any manner for the purpose of taking orders for goods, wares or merchandise, by exhibiting samples, lists, catalogues or otherwise, the sum of fifty dollars.

Sec. 21. Every person who shall be found traveling and trading, or soliciting trade within the limits of this State, contrary to the provisions of this chapter, or contrary to the terms of any license that may have been granted to him as a hawker or peddler, shall for each offense forfeit the sum of one hundred dollars. Penalty for peddling, etc. without license.

Sec. 22. Nothing contained in this chapter shall be construed to prevent any manufacturer, mechanic or nurseryman Construction of this chapter.

residing in this State from selling his work or production by sample or otherwise, without license; nor shall any wholesale merchant, having a regular place of business in this State, be prevented by anything herein contained, from selling by sample, without license; but no merchant shall be allowed to peddle, or to employ others to peddle goods not his own manufacture, without the license in this chapter provided.

Approved March 20, 1865.

[No. 273.]

AN ACT to amend section eight hundred and twenty-one, it being section thirty-nine, of chapter seventeen, compiled laws, relative to the payment of taxes to township treasurers.

Section
amended.

SECTION 1. *The People of the State of Michigan enact, That* section thirty-nine, of chapter seventeen, of compiled laws, be so amended as to read as follows:

Township
treasurer to
collect taxes

(821.) Sec. 39. Every township treasurer, upon receiving the tax list and warrant, shall, for the purpose of collecting the taxes therein mentioned, be and remain at his office or place of business, on Saturday of each and every week after receiving such list, until and including the second Saturday in January following, of each year, and shall receive all taxes then and there tendered to him, and upon the taxes so collected, he shall deduct all fees added for collecting expenses in excess of one per cent.; and for the purpose of collecting the taxes remaining unpaid, he shall call at least once upon the person taxed, if a resident, or at the place of his usual residence in the township, and shall demand payment of the taxes charged to him on such list.

Approved March 20, 1865.

[No. 274.]

AN ACT relative to levies and sales in execution, in certain cases.

SECTION 1. *The People of the State of Michigan enact, That* when any real estate shall be sold on execution, which shall have been previously contracted to be sold by the owner thereof in writing, to a valid agreement, and when such agreement in writing shall be existing at the time of such sale, it shall be lawful for the person holding such contract to make any payment thereon which may become due previously to the expiration of the time for the redemption of said real estate, and previously to a redemption thereof by the debtor, to deposit such payment with the register of deeds, in whose office the certificate of sale is required to be filed, taking such register's receipt therefor; and in case such premises are redeemed by the debtor or his assignee, the payment or payments so deposited, shall be by said register delivered to said debtor or his assignee; but in case such real estate shall not be so redeemed, the payment or payments shall be delivered to the person acquiring said real estate, under such sale, and such payment so made and deposited with said register, shall have the same effect for the benefit of the person so making the same under his said contract, as if made to either of said parties entitled thereto when the same was deposited with said register.

Persons holding contracts may make payments on lands sold on execution

Payment, where deposited and to whom delivered.

Approved March 20, 1865.

[No. 275.]

AN ACT to amend sections one and three, of act number forty-six, of the laws of eighteen hundred and sixty-four, relative to a State road in Gratiot and Isabella counties.

SECTION 1. *The People of the State of Michigan enact, That* sections one and three, of act number forty-six, of the laws of eighteen hundred and sixty-four, be amended so as to read as follows:

Section amended.

Construct'n of road authorized. SECTION 1. *The People of the State of Michigan enact, That* there shall be laid out and established, by a commissioner to be appointed by the Governor, a State road commencing at Big Rapids, in Mecosta county, and running on the most direct route to Isabella city, in Isabella county; thence to Alma, in Gratiot county; thence by way of Maple Rapids, in Clinton county, intersecting the Detroit and Milwaukee railroad, at or near Dallas station; thence southerly on the most direct route, through the township of Westphalia, in Clinton county, to the north-east corner of section sixteen, in the township of Eagle, in said county; thence south on section line between sections sixteen and fifteen, in said township; and in continuation south to the south line of Clinton county.

Appropriation.

Sec. 3. To secure the construction of said road, there is hereby appropriated an average amount of six hundred and forty acres of State swamp land to the mile, within the limits of Gratiot, Isabella and Mecosta counties, to be expended within the limits of said Gratiot, Isabella and Mecosta counties, and not otherwise, under the provisions of said act, and acts amendatory thereto.

Approved March 20, 1865.

[No. 276.]

AN ACT to enable the several townships, cities and villages of the counties of Clinton, Shiawassee, Saginaw and Bay, to aid in the construction of the Jackson, Lansing and Saginaw railroad.

Pledge of credit and issue of bonds authorized.

SECTION 1. *The People of the State of Michigan enact, That* it shall and may be lawful for the several townships, cities and incorporated villages within the counties of Clinton, Shiawassee, Saginaw and Bay, to pledge the credit of any such township or municipality, to issue bonds or other securities, to levy taxes and to borrow money to aid in the construction of the Jackson, Lansing and Saginaw railroad, for any sum not exceeding eight per centum of the assessed valuation of the property of

such township or municipality, at any special meeting called for that purpose, as herein provided.

Sec. 2. It shall be the duty of the clerk of any of said town- Clerk to call meeting of electors ships or municipalities, to call a meeting of the taxable property- holding electors thereof, on the request of fifteen freeholders of his township or municipality, which request shall be in writing, and shall specify the time and object of the meeting, and such meeting shall be notified and conducted in the same manner as special meetings called for other purposes, and the proceedings shall be recorded as required by law.

Sec. 3. If it shall be determined by a majority of the electors Determination of meeting by whom executed. voting by ballot at such meeting, to aid in the construction of said railroad, it shall be the duty of the supervisor and clerk of the township, under the direction of the township board, the president and clerk of the village, under the direction of the trustees, and the mayor and clerk of the city, under the direction of the common council, to loan money, execute bonds or other securities, take securities from said railroad company, and to do all other acts necessary to comply with the determination of said meeting; and all moneys or securities accruing to said township, city or village, under this act, shall be deposited with the treasurer thereof, and be held by him until delivered up, upon proper authority, or to his successor in office: *Provided*, That the amount of bonds which shall fall due in any Amount of bonds to fall due in one year. one year, shall not exceed two per centum of the assessed valuation of such township or municipality, at the time of issuing the same.

Sec. 4. The township board of any such township, and the proper officers of any such city or incorporated village, shall Tax for payment of principal and interest have power, and it shall be their duty to raise by tax or otherwise, such sum or sums of money as shall be sufficient from time to time to pay the principal and interest of said bonds or other obligations issued by such townships or municipalities as often as they become due: *Provided*, That no bonds Interest, rate of. or other evidences of debt issued under this act, shall bear a higher rate of interest than seven per cent. per annum, or be

When money to be delivered to company

sold for less than their par value, nor shall any such bonds, of the money arising from the sale of the same, be delivered or paid over by any such township or municipality to said railroad company, until the ties shall be delivered on the line of said road, and the road bed of said road, including bridges, culverts, cattle guards and road crossings shall be completed and ready for the iron, within the bounds of the township or municipality rendering such aid, or the townships or municipalities opposite thereto or co-terminous therewith.

Sec. 5. This act shall take immediate effect.

Approved March 20, 1865.

[No. 277.]

AN ACT to amend sections one, six, twelve and fifteen, of act number two hundred and sixty-two, of the session laws of eighteen hundred and fifty-nine, entitled "an act for the incorporation of insurance companies, and defining their powers and duties," approved February fifteenth, eighteen hundred and fifty-nine.

Sections amended.

SECTION 1. *The People of the State of Michigan enact, That* sections one, six, twelve and fifteen, of act number two hundred and sixty-two, of the session laws of eighteen hundred [and] fifty-nine, be and the same is hereby amended so as to read as follows:

Corporation authorized.

Sec. 1. Any number of persons not less than seven, may associate together and form an incorporated company, for either of the following purposes, to wit:

Objects specified.

First. To make insurance on dwelling houses, stores and all kinds of buildings, and upon household furniture, goods, wares and merchandise, and any other property, against loss or damage by fire;

Second. To make insurance as aforesaid upon vessels, freights, goods, wares, merchandise and other property, against the risks of inland navigation and transportation;

Third. To make insurance upon the health of individuals, and upon the lives of domestic animals;

Fourth. To make insurance upon the lives of individuals, and every insurance pertaining thereto, or connected with life risks, and to grant, purchase or dispose of annuities;

Fifth. To make insurance on buildings or personal property against destruction or damage by lightning, when fire does not ensue.

Sec. 6. No stock company formed for transacting the business of life insurance shall commence business until a cash capital of one hundred thousand dollars shall have been paid in, and not less than seventy-five thousand or more than ninety thousand dollars of the same invested in the stocks of this State or of the United States, or in bonds and mortgages on cultivated farms worth double the amount for which the same are mortgaged, the value of the land to be ascertained by three disinterested commissioners to be appointed by the board of supervisors of the county in which such company is located, the buildings to form no part of the valuation thereof: *Provided, Proviso.* That no such company shall have on hand at any time less than ten thousand dollars in cash; and no mutual life insurance company formed as aforesaid shall commence issuing policies until they have received at least five hundred applications for insurance, on which the premiums shall amount to three thousand dollars or over; they shall also provide in their charter for the acquiring of a stock capital, by each member paying annually into the fund for that purpose at least one dollar for each one thousand dollars he has insured by such company.

Sec. 12. It shall be the duty of the president, or vice president and secretary of each company organized under this act, annually in the month of January, to prepare under oath and file in the office of the Secretary of State, a statement of the standing and condition of said company on the last day of December prior thereto, which statement, if it be a stock company, shall comprise the amount of capital stock of the company, and how the same is invested, whether in bonds, stocks or mortgages, or how otherwise, how much surplus if any, the

Capital of company.

Annual report to be filed with Secretary of State.

Contents of, if a stock company.

Of mutual
companies.

company possesses, naming all of its assets, including personal property and real estate, and whether any of such assets are believed to be bad or doubtful, also the amount of cash premiums received during the year as a consideration for policies issued, also the amount of losses and expenses paid during the year, and the amount of claims for losses and other debts existing against the company, showing what amount of claims for losses is then due, what amount has not matured, according to the terms of the contract, and what amount thereof is resisted on the ground of alleged fraud, or for which the company do not consider themselves legally liable; or if it be a mutual company, shall state the whole number of members belonging thereto, the number of new members that have been added thereto during the year, and the number that have withdrawn, either by cancelation or expiration of their policies; the amount of property insured during the year, and the whole amount then at risk; the amount of premium or deposit notes taken during the year, and the whole amount of such notes then in force and held by the company; the amount of cash premiums received during the year, and the total amount of such premiums then belonging to the company, and what amount of the same is in actual cash on hand; what amount of assessments has been levied upon the members during the year, and what amount of the same has been collected and paid in to the company, what amount has been collected on assessments levied prior to that year, and the gross amount of assessments then outstanding and not having been canceled by the board of directors, also the amount of losses and expenses paid during the year, and the amount of claims for losses and other debts existing against the company, showing what amount of claims for losses is then due and payable, what amount has not matured according to the terms of the contract, and what amount thereof is resisted on the ground of alleged fraud, or for which the company do not consider themselves legally liable. And in addition to the statement hereby required to be filed, a separate affidavit of the persons making the same shall be attached

Affidavit of
filing with
county
clerk, and
publication.

thereto, stating that a copy of said statement has been filed in the office of the clerk of the county in which the company is located, and has also been published in a public newspaper printed in said county; and if upon due examination it shall appear to the Secretary of State that the losses and expenses of any stock company during the year have exceeded the premiums, and in consequence thereof, the capital of such company has become deficient, or from any other cause has become impaired to the extent of twenty-five per cent., it shall be the duty of said Secretary of State to serve a notice in writing upon the officers of such company, to discontinue the issuing of policies, at the expiration of sixty days from the date of such notice, and proceed to wind up its business, unless within that time the stockholders thereof shall pay in the amount of such deficiency; and if upon a like examination it shall appear to the Secretary of State, that the losses and expenses of any company chartered under this act on the plan of mutual insurance, have during the year exceeded the cash premiums and assessments collected, to such an extent as to imply a doubt in the mind of said Secretary of State as to the solvency of said company, and its ability to pay all its losses and other debts, it shall be the duty of said Secretary of State to serve a like notice upon the officers of such mutual company, requiring them at the expiration of sixty days from the date of such notice, to discontinue the issuing of policies, and proceed to wind up its business, unless within that time the directors of such company shall collect assessments and pay such losses and debts; and in case any company, stock or mutual, shall continue to issue policies after the expiration of the sixty days, they having failed to comply with the requirements of the Secretary of State in said notice, the directors of such company shall be personally responsible and liable for any losses that may occur in said company thereafter; and the persons sustaining such losses, may in any court of competent jurisdiction, sue for and recover the amount of such losses from such directors. It shall be the duty of the Secretary of State to furnish all the companies

If capital becomes deficient company to close business

Proviso.

When mutual companies may be required to discontinue business.

Individual liability.

Blanks for statements.

Penalty for
failure to re-
port.

Prosecution
of.

Mutual com-
panies may
write a
guarantee
capital

Provide

Not to inter-
fere with
companies
organized.

organized under this act, with blanks for the purpose of making thereon the statement hereby required to be filed, which blanks shall be used by the proper officers in making said statements; and in case the officers of any company organized under this act, shall fail, neglect or refuse to perform any of the duties hereby required to be performed, they shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding three months, or by both such fine and imprisonment; and when such failure, neglect or refusal on the part of the officers of any company is known to the Secretary of State, it shall be his duty to notify the prosecuting attorney of the county where such company is located, whose duty it shall then be to commence legal proceedings against such officers, to enforce the penalty hereby imposed.

Sec. 15. In pursuance of this act it shall be lawful for the directors of any mutual company organized under it, to unite a guarantee capital to any extent, as an additional security to the members over and above the premiums, and premium or deposit notes, and the directors may allow interest on said capital, or a participation in the profits, and may prescribe the liability of the owner or owners thereof to share in the losses of the company: *Provided*, That said guarantee capital shall not be considered as in any manner changing the nature of the company from a mutual to a stock company, or as conferring upon mutual companies the power to issue stock or cash policies, which power is expressly denied and prohibited to all companies organized under this act on the plan of mutual insurance: *Provided further*, That nothing in this section shall be construed to interfere with or impair any rights already acquired by any company organized and now doing business under the provisions of the act hereby amended.

Sec. 2. This act shall take immediate effect.

Approved March 20, 1865.

[No. 278.]

AN ACT to amend section two of an act entitled "an act to provide for the protection of game in the State of Michigan," being act number two hundred and thirty-six, of the session laws of eighteen hundred and sixty-three, approved March twentieth, eighteen hundred and sixty-three.

SECTION 1. *The People of the State of Michigan enact*, That section two of "an act to provide for the protection of game in the State of Michigan," being act number two hundred and thirty-six, of the session laws of eighteen hundred and sixty-three, be amended so as to read as follows: Section amended.

Sec. 2. No person or persons shall kill, destroy or take, or Fowls.] pursue with intent to kill, destroy or take, by any means whatsoever, any wild turkey between the first day of February and the first day of September; or any woodcock between the first day of March and the first day of July; or any partridge, ruffed grouse or pheasant, between the first day of February and the first day of September; or any prairie chicken, or pin-nated grouse, or any wild goose or swan, between the first day of February and the fifteenth day of August; or any quail Birds. between the first day of January and the first day of October, in each and every year, or any small bird not known as a game bird, except the black-bird, at any time during the year: *Pro-vided*, That no person or persons shall, at any time during the Previous. year, kill or destroy, with a punt or swivel gun, any of the game protected by this section.

Sec. 3. This act shall take immediate effect.

Approved March 20, 1865.

[No. 279.]

AN ACT supplementary to an act entitled "an act to authorize the township of St. Joseph, and other townships in the county of Berrien, to make loans and levy taxes, for the improvement and construction of the harbor at St. Joseph, and Benton harbor canal, in said county," approved March twentieth, eighteen hundred and sixty-three.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections one, three and four, of an act entitled "an act to authorize the townships in the county of Berrien, to make loans and levy taxes for the improvement and construction of the harbor at St. Joseph, in said county," approved March twentieth, eighteen hundred and sixty-three, be amended to read as follows:

Issue of
bonds au-
thorized.

Limitation.

Proviso.

Vote to des-
ignate the
improve-
ment.
Proceedings
when loan
is author-
ized by the
electors.

SECTION 1. *The People of the State of Michigan enact*, That any township or townships in the county of Berrien, are hereby authorized and empowered to borrow money on the faith and credit of said township or townships, and issue its bonds therefor, or levy taxes to an amount not exceeding two per centum upon its taxable property in any one year, which money shall be expended in improving and repairing the harbor at the mouth of the St. Joseph river, in said county, or the improvement of the canal and basin in St. Joseph township, now running from the St. Joseph river to the line between St. Joseph and Benton townships: *Provided*, Said loan or tax shall be authorized by a majority of the electors in said township or townships, voting on said proposition.

Sec. 3. The vote of the electors as provided in the foregoing section, shall designate to which of said improvements, or whether to both, said loans shall be appropriated. If said loans are authorized by a majority of the electors of said township or townships, voting on said proposition, the township board of said township or townships, may order the issue of said bonds from time to time, and may appoint one or more agents to negotiate the same, requiring such bonds from such agents, for the faithful performance of their duty, as to such

board may seem proper; and the money so obtained shall be paid over to the treasurer of the township wherein said moneys are raised, or whose bonds are sold, to be known as the "St. Joseph improvement fund," or the "canal improvement fund," as the case may be; and said township treasurers shall give such bonds for the faithful performance of their duty in this behalf, as the township may require. In event the said township or townships, shall vote a tax for said improvements, or either of them, the same shall be levied and assessed, and collected the same as other taxes. Any township or townships voting favorably to said canal improvement, in lieu of expending the same directly in the repair or improvement of said canal and basin, may subscribe to the amount of such funds so raised, to the stock of any joint stock company authorized to improve and hold said canal, taking therefor the certificate of stock in said company: *Provided*, That said township or townships, in becoming a subscriber to such stock, shall not be liable to any assessments thereon. The dividends and profits arising from such stocks, shall be applied towards the defraying the expenses of the township, and the repair of highways and bridges, as the township board shall direct.

Harbor improvement fund.

Tax, how levied and collected

Township authorized to subscribe to stock.

Proviso.

Profits, how applied.

Sec. 4. *Provided*, Said township or townships shall not subscribe to such stock as aforesaid, said township shall appoint three freeholders of the township, to hold their office for such length of time as said township board shall determine, and shall appoint their successors, and fill all vacancies, as necessities may require, whose duty it shall be to build, widen, excavate, improve, and keep in repair the harbor at the mouth of the St. Joseph river, or said canal and basin, as the case may be, in such manner as they shall deem best, and to such end shall use and disburse all moneys raised for such purpose, and the same shall be drawn out of the funds aforesaid, only upon the order of the supervisor of said township or townships, signed by himself and countersigned by the clerk of the said improvement board: *Provided*, That the letting of the work of improvement herein contemplated shall first be advertised for

Building commissioners.

Duties of.

Letting of work to be advertised.

three successive weeks in a newspaper published in said county, before the letting of said work, and the letting shall be given to the lowest bidder therefor, who shall give sufficient security for the faithful performance of the said work.

Sec. 5. This act shall take immediate effect.

Approved March 20, 1865.

[No. 280.]

AN ACT to provide for laying out and establishing a State road, to be known as the Ingham and Clinton State road, and appropriating certain swamp lands for the construction of the same.

Construct'n authorized. SECTION 1. *The People of the State of Michigan enact*, That there shall be laid out and established, by a commissioner appointed by the Governor, a State road beginning on the plank road on the west side of the township of Meridian, in Ingham county, and running thence in a northerly direction, on the most eligible route, to a point at or near the centre of section nineteen, in Bath, Clinton county.

Constructed under provisions of former acts. Sec. 2. Said road shall be laid out and constructed under the provisions of act one hundred and seventeen, of the laws of eighteen hundred and fifty-nine, and the acts amendatory thereto.

Appropriation. Sec. 3. To secure the construction of that part of said road which lies in Ingham county, there is hereby appropriated three sections of State swamp land, to be expended under the provisions of said act and the acts amendatory thereto.

Approved March 20, 1865.

[No. 281.]

AN ACT to provide for the recovery of taxes paid on real estate, by persons claiming title thereto, in certain cases.

SECTION 1. *The People of the State of Michigan enact, That* in all suits and controversies, involving the title to land claimed by either party, under a conveyance executed by the Auditor General, for non-payment of the taxes assessed thereon, if such deed shall prove to be invalid for any cause, other than such as When conveyance is declared invalid the lien for taxes not to be discharged thereby. are enumerated in section three of this act, the lien thereon for State, county and township taxes, or for either of them, or for any portion of either of them, which may have been rightfully assessed, shall not be discharged thereby, but shall remain in full force and shall be transferred by said deed to, and vested in the grantee therein named, his heirs and assigns; and the owner of such lands shall not thereby be acquitted from the Owner not to be acquitted, etc. payment of the taxes for which the same was sold, but the party in such action or controversy, holding or claiming title Claimant entitled to judgment, etc. under such Auditor General's deed, shall be entitled to judgment or decree in the same action, against the adverse party, for the sum paid upon such sale for the purchase of said land, and for the sum of all taxes paid upon such lands subsequent to such sale, by such purchaser, his heirs and assigns, with interest on each of said sums from the time of payment, at the rate of twenty-five per cent. per annum, and all legal costs, and such costs of suit as the court may award, which judgment or decree may be enforced as in other cases, and shall remain a lien on such lands until paid; and the land, or so much thereof Sale of land. as shall be necessary, may be sold for the payment thereof, with costs, if sold within such reasonable time as the court may order.

Sec. 2. In all actions at law, such sale shall be made by the sheriff, and in suits in equity, by the circuit court commissioner for the county in which such lands or some portions thereof are situated, or where the commissioner is interested, by such officer or person as the court may decide, upon such notice as By whom made.

is required by law for the sale of real estate upon execution, and such sale shall be final and without redemption.

When judgment had not been rendered.

Sec. 3. Such judgment or decree shall not be rendered in any cause where it shall appear, either,

First. That the taxes for which such land was sold had been paid; or

Second. That the land was not subject to taxation at the time of the assessment of the tax for which it was sold; or

Third. That it had been redeemed from such sale pursuant to law; or

Fourth. That a certificate had been given by the county treasurer or Auditor General, that no taxes were due thereon for the year for which such sale was made.

Commencement of suit

Who to be made defendants. Unrecorded deeds, etc.

Decree of court.

Sec. 4. Any person claiming title to lands under or through a conveyance executed by the Auditor General, upon a sale thereof for non-payment of taxes, may commence a suit in the circuit court in chancery of the county where such lands lie, to quiet his title thereto, without taking possession of such lands; and all parties who have or claim to have any interest in such lands, may be made defendants in said suits; and no outstanding, unrecorded deed, mortgage or claim shall be of any effect as against the title or right of the complainant, as fixed and declared by the decree made in such case, unless the complainant had actual knowledge thereof before the decree was made; and if upon the hearing of such cause, it shall appear that the complainant's title was invalid for any cause not enumerated in section three of this act, such suit shall not be dismissed, but the court shall ascertain the amount paid by the complainant or those through whom he claims title, upon the purchase thereof for delinquent taxes, and for taxes assessed thereon, with interest from the date of such payment, at twenty-five per cent. per annum, and shall decree the payment thereof with costs of suit within a reasonable time by the owner of such land, and in default thereof, shall direct that such land be sold therefor, and that the equity and right of redemption of all the defendants in suit, and all persons claiming under them shall

be forever barred; and the proceedings in such cases shall be conducted in the same manner as near as may be, in conformity with the practice in the foreclosure of mortgages in chancery.

Approved March 20, 1865.

[No. 282.]

AN ACT to amend section two of an act entitled "an act relating to burying grounds," approved February twelfth, eighteen hundred and fifty-five, the same being section seventeen hundred and eighteen of the compiled laws.

SECTION. 1. *The People of the State of Michigan enact,* That section two of an act entitled "an act relating to burying grounds," approved February twelfth, eighteen hundred and fifty-five, the same being section seventeen hundred and eighteen of the compiled laws, be and the same is hereby amended so as to read as follows: Section amended.

Sec. 2. Such corporation shall have power to acquire and hold in fee, or for a term of years, so much land as may be necessary for their burying ground: *Provided,* That no land thus held shall be in any way encumbered by such corporation: Authorized to acquire and hold real estate. Provide
And provided further, That the purchase price thereof, and interest thereon, or the rent reserved therefor, and the costs of fencing, improving and platting the same, shall be paid out of the funds first realized from the sale of rights of burial: *And* Conditions of lease.
provided further, That any lease of land to such corporations, shall contain a covenant on the part of the lessor, that the land thus leased shall never be used by him, his heirs or assigns, for any other than burial purposes, and that all rights of burial acquired under such corporation, shall remain unimpaired, although such lease may expire, or such corporation may forfeit the rights acquired under such lease, by reason of non-compliance with the conditions thereof.

Sec. 3. This act shall take immediate effect.

Approved March 20, 1865.

[No. 283.]

AN ACT appropriating swamp land to aid in the construction of a portion of the Port Huron, Bay City and Lansing State road.

Appropriation. SECTION 1. *The People of the State of Michigan enact, That* there is hereby appropriated nine hundred and sixty acres of State swamp land, to aid in the construction of that portion of the Port Huron, Bay City and Lansing State road, which lies between the village of St. Johns and the north side of the great marsh, in Greenbush, in Clinton county.

Constructed under the provisions of former acts. Sec. 2. The commissioner of section number two, of said State road, shall have the charge of applying said appropriation in said construction, and shall be governed therein by the provisions of act one hundred and seventeen, of the laws of eighteen hundred and fifty-nine, and the acts amendatory thereto; and all persons who take jobs, perform contracts, or otherwise labor in said construction, shall be subject to all the liabilities and entitled to all the rights of persons taking jobs, performing contracts, or otherwise laboring on any other part of said State road, under the provisions of said act and the acts amendatory thereto, said land to be selected from the counties through which said road runs.

Sec. 3. This act shall take immediate effect.

Approved March 20, 1865.

[No. 284.]

AN ACT granting the right of way to the Lansing and Jackson railroad company, across certain lands owned by the State of Michigan, known as the prison lands.

Right of way granted SECTION 1. *The People of the State of Michigan enact, That* the Lansing and Jackson railroad company are, by this act granted the right of way across so much of section number thirty-four, in township number two south, of range number one west, as is owned by the State of Michigan, and upon

which the line of said railroad is now located: *Provided*, Said railroad company do not build said road within a reasonable time, nothing herein contained shall prevent any other railroad company that may be hereafter formed, the right to use and occupy said line of road.

Sec. 2. This act shall take immediate effect.

Approved March 20, 1865.

[No. 285.]

AN ACT to authorize the wardens and vestry of Grace church, in the city of Port Huron, to loan money to build a church, and to issue bonds to secure the payment thereof.

SECTION 1. *The People of the State of Michigan enact*, That the wardens and vestrymen of Grace church, in the city of Port Huron, be and they are hereby authorized and empowered to borrow money to an amount not exceeding five thousand dollars, for the purpose of building a new church, and for the purpose of securing the payment of such loan, to issue the bonds of said church, in sums not less than one hundred dollars each, bearing annual interest at a rate not exceeding ten per cent., for which interest coupons may be attached to said bonds, payable at any time within twenty years from the issue thereof. The property of said church, including the church that may hereafter be built, shall be liable for the payment of such bonds. Such bonds shall be signed by said wardens and vestrymen, or by their chairman and secretary, upon a vote of said wardens and vestrymen, and when so signed, shall be valid and binding against said Grace church.

Loan and
issue of
bonds au-
thorized.

Approved March 20, 1865.

[No. 286.]

AN ACT to authorize judges of probate of certain counties to appoint a register, and prescribing his duties and compensation.

Probate register. SECTION 1. *The People of the State of Michigan enact, That* the judge of probate of any county, the population of which, according to the last census taken by legal authority, exceeds forty thousand, may appoint a probate register for such county, who shall receive no fees from suitors in the probate court, for his services as such register, but in lieu thereof, such annual salary as the board of supervisors shall prescribe, not exceeding three hundred dollars, payable quarterly from the county treasury; said register shall have power to receive petitions, fix the time of hearings, and to do all other acts required of the judge of probate, except judicial acts.

Sec. 2. This act shall take immediate effect.

Approved March 20, 1865.

[No. 267.]

AN ACT authorizing action for mal-practice against persons holding themselves out as physicians or surgeons, in certain cases.

Action may be maintained for malpractice SECTION 1. *The People of the State of Michigan enact, If any* person, professing or holding himself out to be a physician or surgeon, shall be guilty of any mal-practice, an action on the case may be maintained against such person so professing, and the rules of the common law, applicable to such actions against licensed physicians and surgeons, shall be applicable to such actions on the case; and such mal-practice may be given in evidence, in bar of any action for services rendered by such person so professing.

Sec. 2. This act shall take immediate effect.

Approved March 20, 1865.

[No. 288.]

AN ACT to authorize the formation of mechanics' and laboring men's coöperative associations.

SECTION 1. *The People of the State of Michigan enact, That* any ten or more persons, who shall be desirous of uniting as mechanics and laboring men, in any coöperative association, for the purpose of purchasing all manner of groceries, provisions, and any other articles of merchandise, and selling the same for cash, to all the stockholders and others, at such reasonable prices over the cost thereof, as will enable the members of such association to obtain such commodities at the smallest practicable rate of cost, and also, if necessary, to manufacture any such articles of trade or merchandise, such as flour, meal, boots, shoes, clothing, &c., and to vend the same as aforesaid, may become incorporated for that purpose, by executing one or more duplicate articles of agreement, as hereinafter specified, by signing and acknowledging the same before some officer authorized to take such acknowledgments; and upon the execution and acknowledgment of such articles, the signers thereof, and those who may thereafter become associated with them, shall become a body politic for the purposes set forth in said articles.

Sec. 2. Before any corporation formed under this act shall commence business, the president and directors shall cause their articles of association to be filed with the Secretary of State of this State, and with the county clerk of the county in which such corporation shall conduct its business, which said articles shall be recorded in said offices at length, in books prepared for that purpose, at the expense of said corporation.

Sec. 3. The articles of every such association shall be signed by the persons associating in the first instance, and acknowledged before some person authorized by the laws of this State to take acknowledgments of deeds, and shall state distinctly,

First. The purpose for which the same is formed, the number of their officers and directors, with the name of those first agreed on;

Second. The amount of their capital stock and the number of shares;

Third. The amount of capital stock actually paid in;

Fourth. The names of the stockholders, their respective residences, and the number of shares held by each person;

Fifth. The name of such corporation, and the place in this State where their office for the transaction of business is located and is to be carried on, and the time and place of holding their annual meeting;

Sixth. The terms and conditions by which any person may become a member or shareholder therein, and such other matters and things as is provided for in section five of this act;

Seventh. The term of its existence, not to exceed thirty years.

Capital
stock;

Sec. 4. The amount of capital stock in every such association may be fixed and limited by the stockholders in their articles of association, and may be divided into shares of not less than ten dollars each, and not exceeding twenty-five dollars, and the capital stock shall in no case be less than five thousand dollars nor more than five hundred thousand dollars; and such capital stock may be increased from said five thousand dollars, and the number of shares also increased, at any meeting of the stockholders called for that purpose: *Provided, That the amount so increased, with the existing capital, shall not exceed five hundred thousand dollars: Provided further, That all property of such association shall be subject to taxation for all State, county and municipal purposes.*

Increase of.

Regulations
as to shares.

Sec. 5. Said association may, either in their articles of association or by by-laws for that purpose to be adopted, regulate the number of shares which any one subscriber may take and hold, the mode of paying for the same, the mode of voting thereon, the mode of levying any and all assessments thereon, the manner of enforcing such assessments, the attachment and enforcement of penalties for non-payment of assessments, and the manner of collecting the same, the mode of awarding, declaring and paying dividends, of appointing, electing and removing officers and directors, the requirement of bonds from

any such officers, and also the appointment of all necessary and subordinate employees, and may also provide generally for the doings and execution of all acts and transactions incident to the business of such corporations, including the establishment of one or more branches or agencies in the county wherein is located their main or chief store or shop, and which are not inconsistent with existing provisions of law.

Sec. 6. Stockholders and directors shall be severally and jointly liable for all debts for labor performed for the said corporation, and for all goods, wares and merchandise sold and delivered to the same, the said stockholders and directors shall be liable to the amount of their capital stock; but no execution shall issue against any director or stockholder, till an execution against the corporation shall have been returned unsatisfied, in whole or in part. Individual liability.

Sec. 7. Service of legal process on any such corporation, may be made on any one of the directors thereof, if such director be in the county in which the business establishment of the association is located; but if not there, by leaving a copy of such process with any officer, agent or clerk in the employ thereof, at the principal place of business. Service of process on corporation.

Sec. 8. Any coöperative association now in existence in this State, and not incorporated, shall be entitled to all the benefits of this act by complying with the provisions thereof, and may, by a vote of a majority of such incorporated association or company, to be taken according to its existing by-laws, determine to avail itself of the provisions of this act, and to take and assume corporate name and powers thereunder, and may by a like vote transfer to such corporation so formed under this act, all its property, both real, personal and mixed; and thereupon such corporation to which said property is so transferred, shall take the same in the same manner, and to the same extent and with the like effect as the same was previously owned and held by the association so transferring the same, and may in its corporate name, sue for and collect all dues and demands, subscriptions and other ben- Associations now in existence entitled to benefits of this act. May transfer property to new corporation.

efits belong to such original and unincorporated association:

Proviso. *Provided, however, That the said corporation so taking such property as aforesaid, shall take the same subject to all liens and trusts both legal and equitable to which the same was subject before said transfer, and shall also be liable for all debts and obligations of such previous association, and shall pay the same to the full extent of the value of such property at the time of so taking the same.*

May hold real estate. *Sec. 9. Such associations shall have power to take or hold any such real estate as may be actually occupied by them in the exercise of their franchises, and not otherwise, except such as it may acquire in security for or satisfaction of debts justly due it.*

Restriction. *Sec. 10. Nothing in this act shall be construed as granting banking powers, or as allowing the business of money brokerage, or any other powers not appropriately belonging to institutions of this character.*

Sec. 11. This act shall take immediate effect.

Approved March 20, 1865.

[No. 289.]

AN ACT relative to the issuing of false, fraudulent and part-paid shares of the stock of railroad companies, and to repeal sections four and five, of act number two hundred and twenty-nine, of the session laws of eighteen hundred and sixty-three.

SECTION 1. *The People of the State of Michigan enact, That*
Stock not to issue until fully paid. *it shall not be lawful for any railroad company existing by virtue of the laws of this State, nor for any officer of any such company to sell, dispose of or pledge any shares in the capital stock of such company, nor to issue certificates of shares in the capital stock of such company, until the shares so sold, disposed of or pledged, and the shares for which such certificates are to be issued, shall have been fully paid in money, dollar for dollar, into the treasury of the company; and in case any such*
Reduction of stock, etc. *company has heretofore sold, disposed of or pledged, any*

shares of its capital stock, or has issued certificates of shares of its capital stock as full paid stock, when partial or nominal payments only have been made therefor, the officers and directors of such company are hereby required within ninety days from the passage of this act, to reduce the stock certificate issue of such company, to the basis of the amount of the par value actually received by such company for such shares; and if any officer or officers of any such company shall issue, sell, pledge or dispose of any shares or certificates of shares of the capital stock of such company, in violation of the provisions of this act, such officer or officers so doing, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided by law, in case of issuing false or fraudulent railroad stocks. The provisions of this act shall apply as fully to the stocks and officers of consolidated railroad companies, existing in whole or in part within this State, as to original unconsolidated companies existing as aforesaid.

Penalty for violating provisions of this act.

Provisions to apply to consolidated companies.

Sec. 2. It is hereby made the duty of every such railroad company as aforesaid, to file with the Secretary of State, in the month of July in each year, a special report and statement, sworn to by the president and treasurer of the company, setting forth explicitly the number of shares of capital stock actually issued, sold, pledged or disposed of by the company, to the date of such report, and the amount actually and bona fide received by such company for such shares, and the amount received therefor in money, and the amount received therefor, if any, in property and other effects, and the amount and number of shares, and the number of the certificates thereof, issued as full paid stock upon which partial or nominal payments only have been made.

Annual report of companies.

Contents of.

Sec. 3. Any violation of the provisions of this act, or any neglect to comply with the requirements of this act, or the making of any false statement to the Secretary of State in relation to any of the matters required by the preceding section to be reported to him, shall render the officers and directors

Officers and directors individually liable to shareholders on neglect of duty.

Liabilities of
shareholders
on neglect
of duty.

tors of any such railroad company as aforesaid, guilty of any such violation or neglect, or making or permitting any such false statement, individually liable to the shareholders, to the amount of the loss or injury sustained by them, by reason of such violation, neglect or false statement, and to the State also for the penalties heretofore provided by law; and any shareholder or shareholders neglecting or refusing to return his or their full paid stock certificates to the company, where partial or nominal payments only have been made, and to receive in exchange therefor, certificates for the amount actually paid in money or its equivalent, shall become individually liable after ninety days from the passage of this act, to creditors of such company, for the amount over-issued in the stock certificates retained by him or them.

Sections re-
pealed.

Sec. 4. Sections four and five of an act entitled "an act supplementary to an act entitled an an act to provide for the incorporation of railroad companies," approved February twelfth, eighteen hundred and fifty-five, and approved March twentieth, eighteen hundred and sixty-three, together with all acts and parts of acts contravening the provisions of this act, are hereby repealed.

Sec. 5. This act shall take immediate effect.

Approved March 20, 1865.

[No. 290.]

AN ACT to revise the charter of the city of Adrian.

City limits.

SECTION 1. *The People of the State of Michigan enact, That* so much of the former townships of Adrian and Madison, in the county of Lenawee, as is embraced in the following description, to wit: all that part of section number thirty-four, in the township of Adrian, lying east of the highway running north from the township line through said section, (excepting therefrom the north half of the north half of said section,) and the south half, and south half of the north half of section thirty-

the west half of section thirty-six, (excepting therefrom the north half of the north-west quarter of said section,) in the township of Adrian, and also the west half of section number one, all of section number two, and so much of section number three, in the township of Madison, as lies east of the north and south road running through said section number three, is hereby set off from the townships of Adrian and Madison, and constituted the city of Adrian, by which name it shall be hereafter known.

Sec. 2. The freemen of said city, from time to time, being inhabitants thereof, shall be and continue a body corporate and politic, to be known and distinguished by the corporate name and title of "the city of Adrian," and shall be and are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended, in all courts of law and equity, and in all other places whatever, and shall have a common seal, which they may alter and change at pleasure, and by the same name shall be and are hereby made capable of purchasing and holding, conveying and disposing of any real and personal estate for said city.

Sec. 3. The said city shall be divided into four wards, as follows: all that part of said city embraced within the following described limits shall be the first ward, to wit: commencing at the south-east corner of the city, running thence westerly on the south line of the city, to the center line of State street; thence northerly on the center line of State street, and on the center line of the continuation of State street, to the center line of Church street; thence westerly on the center line of Church street, to the center line of Main street; thence northerly on the center line of Main street, to the center line of Maumee street; thence easterly on the center line of Maumee street, to the east line of the city; thence southerly on the east line of the city, to the place of beginning. All that part of said city embraced within the following described limits shall be the second ward,

thence southerly on the east line of the city to the centre line of Maumee street; thence westerly on the center line of Maumee street, to the centre line of Main street; thence northerly on the centre line of Main street to the north line of the city; thence easterly on the north line of the city, to the place of beginning.

Third.

All that part of the city embraced within the following described limits shall be the third ward, to wit: commencing at the north-west corner of the city, thence running east on the north line of the city, to the centre line of Main street; thence southerly on the centre line of Main street, to the centre line of Maumee street; thence westerly on the centre line of Maumee street, to the west line of the city; thence north on the west line of the city, to the place of beginning.

Fourth.

All that part of the city embraced within the following described limits shall be the fourth ward, to wit: commencing at the south-west corner of said city, thence running northerly on the west line of the city, to the center line of the westerly continuation of Maumee street; thence easterly on the centre line of Maumee street, to the centre line of Main street; thence southerly on the centre line of Main street, to the centre line of Church street; thence easterly on the centre line of Church street, to the centre line of the continuation of State street; thence southerly on the centre line of the continuation of State street, and on the centre line of State street, to the south line of the city; thence westerly on the south line of the city, to the place of beginning.

Elective city officers.

Sec. 4. The following officers of the corporation shall be elected on a general ticket by the qualified electors of the whole city, viz: a mayor, city recorder, city treasurer, city marshal, one street commissioner, and four justices of the peace. The following officers of the corporation shall be elected on a ward ticket, in each ward, by the qualified electors thereof, viz: a supervisor, two aldermen and one constable.

Elective ward officers.

City attorney.

Sec. 5. The common council shall appoint annually, a city attorney, and he shall perform such duties and exercise such

ordinance duly enacted.

Sec. 6. The common council may provide by ordinance for the election of two or more street commissioners in and for said city, to be elected at the annual city elections, whose terms of office shall be the same as that of city marshal. The common council may also, from time to time, provide by ordinance for the appointment of, and shall on the first Monday of May in each year, appoint such other officers, whose election is not herein specially provided for, as they may deem necessary to carry into effect the powers granted by this act, and may remove the same at pleasure: *Provided*, That any appointment which shall not be made on the day named, may be made at any subsequent regular meeting of the common council.

Street commissioners.

Other officers to be appointed, and when.

Sec. 7. No person shall be elected or appointed to any office, unless at the time of such election or appointment he shall be an elector of said city; and if elected or appointed for a ward, he shall reside in and be an elector of said ward; and no person shall be elected or appointed to any office created by this act, or authorized by this act to be created, who is now or shall hereafter be a defaulter to said city, or to any board of officers thereof, or to the public schools of the city of Adrian, or to the county of Lenawee, and any appointment of any such person to office, and all votes for any such person to fill any such office, shall be void.

Qualifications of officers.

Defaulter not eligible.

Sec. 8. Justices of the peace elected under the provisions of this act shall take and subscribe the constitutional oath of office, and file the same with the clerk of the county of Lenawee within the time prescribed by law. All other officers so elected, and all officers appointed by the common council, shall within ten days after notice of their election or appointment, take and subscribe before some officer authorized to administer oaths, the oath of office prescribed by the constitution of this State, and file the same with the city recorder.

Oath of officers, when to be taken.

Sec. 9. Every justice of the peace, before he enters upon the duties of his office, and within the time limited for filing his official bond

Justices of the peace, official bond

Penalty for
not filing
bond and
oath of office

Official bond
of city off-
icers, when
to be filed.

Examina-
tion of sure-
ties in offi-
cial bonds.

Officers,
when elect-
ed and term
of office.

Justices of
the peace.

official oath, shall file with the county clerk the security for the performance of the duties of his office as required by law in the case of justices of the peace elected in townships, except that his official bond or security for the performance of the duties of his office, may be executed in presence of, and be approved by the mayor, instead of a supervisor; and in case he enters upon the execution of his office before having filed his official oath, and such bond or security, he shall be liable to the same penalties as are provided in such cases for justices of the peace elected in townships; and every other officer elected in said city, or appointed by the common council, before he enters upon the duties of his office, and within the time prescribed for filing his official oath, shall file with the city recorder such security in such form as may be required by law, or by any ordinance, rule or regulation of the common council, for the due performance of the duties of his office. The common council, or the mayor or other officer whose duty it shall be to judge of the sufficiency of the proposed security of any officer of whom a bond or instrument in writing may be required under the provisions of this act, shall examine into the sufficiency of such security, and shall require them to submit to an examination, under oath, as to their property; such oath may be administered by the mayor or any alderman of said city. The deposition of said surety shall be reduced to writing, be signed by him, certified by the person taking the same, and annexed to and filed with the bond or instrument to which it relates.

Sec. 10. The mayor, recorder, treasurer, marshal, street commissioners, supervisors and constables shall be elected at the annual city election, and shall hold their offices for the term of one year, and until their successors are elected and qualified. One justice of the peace shall be elected at the annual city election in the year eighteen hundred and sixty-five, and there shall be elected annually thereafter, at each annual city election, one justice of the peace. The term of office of each justice of the peace, (excepting in cases where such justice shall be elected to fill a vacancy,) shall commence on the fourth day of

July following his election, and shall continue four years, and until his successor shall be elected and qualified. One alderman shall be elected in each ward at the annual city election in the year eighteen hundred and sixty-five, and shall hold his office for the term of two years, and until his successor shall be elected and qualified; and there shall be elected annually thereafter in each ward, one alderman for the like term.

Sec. 11. Every justice of the peace, or other officer elected to fill a vacancy, and all other officers elected or appointed in pursuance of the provisions of this act, or of any ordinance or resolution of the common council, (except justices of the peace elected for the full term of four years,) shall enter upon the duties of their offices immediately upon filing their oaths of office, and such bond or security for the performance of their official duties as may be required by law, or by any ordinance, resolution or regulation of the common council.

Sec. 12. Every justice of the peace, or other officer elected to fill a vacancy, and every officer appointed by the common council to fill a vacancy occurring in an office, which by this act is made elective, shall hold such office for the residue of the unexpired term thereof; and all other officers appointed by the common council shall hold their offices until the first Monday of May following their appointment, and until their successors shall be appointed and qualified, unless they shall be sooner removed from office, or the office to which they were appointed shall be abolished.

Sec. 13. The mayor and aldermen of said city shall each receive a salary not exceeding fifty dollars a year, and no more. All other officers of said corporation, shall receive such compensation for their services as the common council shall prescribe, except where the same is fixed by this act, or is or shall be prescribed by other statutes of this State: *Provided*, That the city marshal shall not receive more than twelve hundred dollars for his services in any one year.

Sec. 14. Each and all of the officers of said corporation, including firemen and officers of the fire department, and such

other officers and agents as may be appointed by the common council, shall, in addition to the duties specially imposed upon them by this act, perform and discharge such other duties as may be required of them in and by any ordinance of said city, or by any order or resolution of the common council.

**Resignation,
to whom to
be made.**

Sec. 15. The resignation of any officer authorized by this act to be elected or appointed, shall be made to the common council, subject to their approval or acceptance.

**Removal of
officers by
the common
council.**

Sec. 16. The common council shall have power to remove from office the recorder, marshal, treasurer and any street commissioner, for any violation of the provisions of this act, or any ordinance or by-law of said city, or for refusing to perform the lawful requirements of said common council; but the removal of any officer shall not, nor shall the appointment of any other person in his place exonerate the officer removed or his sureties from any liability incurred by him or them.

**Offices, when
vacated.**

Sec. 17. If any person elected or appointed to any office of the corporation, shall cease to be a resident of the city, or if a ward officer of the ward in which he may have been elected or appointed, such office shall be thereby vacated. If any officer of said corporation, elected or appointed under the provisions of this act, shall become a defaulter while in office, or shall in any wise be deemed a defaulter under the provisions of this act, such office shall thereby be vacated.

**Refusal to
serve, what
deemed.**

Sec. 18. If any person elected or appointed to any office under the provisions of this act, shall not take and subscribe the oath of office, and file the same, as in this act directed, or shall not file an official bond, as required by law, or as may be required by the common council, such neglect shall be deemed a refusal to serve, unless before any proceeding is taken to fill such office by another person, such oath shall be taken and such security shall be given; and in case of any such refusal or neglect, the common council may proceed immediately to cause such office to be supplied, as in case of a vacancy.

Sec. 19. In case a vacancy shall occur in the office of any justice of the peace, the same shall be supplied by election at the next annual election. In case of a vacancy in the office of mayor, or of any alderman, the same may be supplied by a special election; and in case a vacancy shall occur in any other office, the same may be supplied by appointment, by the common council, or if the office in which the vacancy occurs is elective, the vacancy shall be supplied by a special election.

Sec. 20. The inhabitants of said city, being electors under the constitution of the State of Michigan, and no others, are declared to be electors under this act and qualified to vote at elections held by virtue of this act; and each person offering to vote at any such election, if challenged by an elector of said city, shall, before his vote shall be received, take one of the oaths provided by law to be administered in case of challenge at general and special elections in this State, the word "ward," instead of "township," being used in the oath to be administered to the person so challenged; and if such person shall swear falsely therein, upon conviction thereof, he shall be liable to the pains and penalties of perjury; and such person shall further answer under the oath administered as aforesaid, such questions as may be put to him touching his residence in such ward.

Sec. 21. At all elections authorized by this act, every elector shall vote in the ward where he shall have resided ten days next preceding the day of election. The residence of any elector shall be deemed to be in the ward in which he boards or takes his regular meals.

Sec. 22. At the session of the board of registration in said city previous to the general election in November in the year eighteen hundred and sixty-six, the said board shall make a re-registration of the qualified electors of each ward of said city, in proper books of the form heretofore used, and the same rules and requirements shall be observed in such registration, in all respects as are required by law for the registration of qualified

In 1870. electors in cities; and a like re-registration of the qualified electors of each ward of said city, shall be made at the session of the board of registration next preceding the general election in the year eighteen hundred and seventy, and next preceding the general election to be held every fourth year thereafter. When any such re-registration shall be completed, the former registry of electors in such wards shall henceforth be deemed invalid, and shall not be used at the ensuing elections; and no person shall vote at any public election in said wards after such re-registration, whose name shall not be registered anew, as provided by this section, or be afterwards properly entered on such new register, according to the provisions of law for the registration of electors. The notice of the meeting or session of the board of registration at which any re-registration is to be made, in addition to all other matters required by law to be therein stated, shall set forth that a re-registry is to be made, and that no elector whose name shall not be registered in such new register, will be permitted to vote at the ensuing election.

Annual election. Sec. 23. There shall be an annual city election on the first Monday of April in each year, held at such places in each of the several wards of said city, as the common council shall designate.

Special elections. Sec. 24. Special elections may be appointed by resolution of the common council, and held in and for said city, or in and for any ward thereof, at such times and place or places as the common council shall designate, the purpose and object of which shall be fully set forth in the resolution appointing such election.

Notice of, to whom delivered. Sec. 25. Whenever a special election is to be held, the common council shall cause to be delivered to the inspectors of election in the ward or wards where the same is to be held, a notice signed by the city recorder, specifying the officer or officers to be chosen, and the day and place at which such election is to be held, and the proceedings at such election shall be the same as at the annual elections.

Sec. 26. Notice of the time and places of holding any election shall be given by the city recorder, at least eight days before such election, by posting such notice in three public places in each ward in which such election shall be held, and by publishing a copy of such notice in a daily newspaper published in said city one week at least before such election; and in case of a special election, such notice shall also set forth the purpose and object of the election as fully as the same are required to be set forth in the resolution appointing such election.

Notice of elections, when and how given.

Sec. 27. On the day of elections held by virtue of this act, the polls shall be opened in each ward, at the several places designated by the common council, at eight o'clock in the morning, and shall be kept open until five o'clock in the afternoon, at which hour they shall be finally closed. The inspectors shall cause proclamation to be made of the opening and closing of the polls.

Polls, when opened and closed.

Sec. 28. The supervisor and two aldermen of each ward shall constitute the board of inspectors of elections. The supervisor, if present, shall be chairman of the board, and the aldermen shall be the clerks of elections, or when necessary, the board may appoint two other competent persons to be clerks of elections; and in case of such appointment, each of the persons appointed shall take the constitutional oath of office, to be administered by either of the inspectors; and in case of the absence of one or more of the inspectors, the electors present may choose *viva voce* from their number, one or more to fill such vacancy or vacancies, to whom shall be administered the constitutional oath by either of said inspectors or by any justice of the peace. The inspectors and clerks of election shall be entitled to receive two dollars per day each for their services.

Inspectors and clerks of election.

Oath of.

Fee of.

Sec. 29. The inspectors of elections, as specified in the preceding section, shall also be inspectors of State, county and district elections in their respective wards.

Inspectors of State and county elections.

how conducted.

this act shall be conducted as nearly as may be in the same manner as is provided by law for holding of general elections in the State of Michigan, except as herein otherwise provided.

Preservation of order at.

And the inspectors of such elections shall have the same powers and authority for the preservation of order, and for enforcing obedience to their lawful commands during the time of holding the election and the canvass of the votes, as are conferred by law upon inspectors of general elections held in this State.

Ballots, contents of.

Sec. 31. The electors shall vote by ballot; and the same ballot shall contain the names of persons designated as officers for the city and as officers for the ward.

Term of office to be designated.

Sec. 32. If at any annual election to be held in said city there should be one or more vacancies to be supplied in any office, and at the same time any person is to be elected for the full term of said office, the term for which each person voted for, for said office, shall be designated on the ballot.

How deposited.

Sec. 33. It shall be the duty of the inspectors, on receiving the vote, as specified in the last two sections, to cause the same without being opened or inspected, to be deposited in the proper box, provided by the common council for that purpose.

Poll list.

The said board shall also write down or cause to be written, the name of each elector voting at such election, in two poll lists, to be kept by said inspectors of election or under their direction.

Canvass of votes.

Sec. 34. Immediately after closing the polls, the inspectors of election, shall without adjourning, publicly canvass the votes

Statement of votes cast.

received by them, and declare the result; and shall on the same day, or on the next day, make a statement in writing, setting forth in words at full length, the whole number of votes given for each office, the names of the persons for whom such votes for each office were given, and the number of votes so given to each person, which statement shall be certified, under the hands of the inspectors, to be correct; and they shall deposit said statement and certificate on the day of election or

on the next day, together with said poll lists and the boxes containing said ballots, in the office of the city recorder.

Sec. 35. The manner of canvassing said votes shall be the same as prescribed by law for canvassing votes at the general elections held in this State. Canvass how conducted.

Sec. 36. The common council shall convene on the Thursday next succeeding each election, at their usual place of meeting, and determine what persons are duly elected at the said election to the several offices respectively; and thereupon the city recorder shall make duplicate certificates under the corporate seal of the city, of such determination, showing what persons are declared elected to the several offices respectively, one of which certificates he shall file immediately in the office of the county clerk of the county of Lenawee, and the other shall be filed in the office of the city recorder. Council to convene, etc. Certificates of election.

Sec. 37. The person receiving the greatest number of votes for any office in said city or ward, shall be deemed to have been duly elected to such office; and if any officer shall not have been chosen by reason of two or more candidates having received an equal number of votes, the common council shall at the meeting mentioned in the preceding section, determine by lot, between such persons, which shall be considered elected to such office. Who deemed elected.

Sec. 38. It shall be the duty of the city recorder, within five days after the meeting and determination of the common council, as provided in section thirty-six, to notify each person elected, of his election. And he shall also within five days after the common council shall appoint any person to any office, notify such person of such appointment. Notice to persons elected or appointed.

Sec. 39. Within one week after the expiration of the time in which any official bond or oath of office is required to be filed, the city recorder shall report in writing to the common council the names of all persons elected or appointed to any office, who shall have neglected to file such oath and the requisite bond or security for the performance of the duties of his office. Neglect to file oath and bond, report of.

Election ex-
penses.

Sec. 40. The expenses of all elections to be held as provided by this act, shall be chargeable to said city, and be defrayed in the same manner as other contingent expenses of the city.

Mayor,
duties of.

Sec. 41. It shall be the duty of the mayor to preside at all meetings of the common council, and he shall be the chief executive officer of the city. It shall be his duty to cause all the officers of said city to comply with and faithfully discharge their official duties, and cause all laws pertaining to the municipal government of said city, and all ordinances, resolutions and regulations of the common council, to be observed and executed, and to exercise a constant supervision and control over the conduct of all subordinate officers, and to receive and examine all complaints against them for neglect of duty; to recommend to the common council such measures as he shall deem expedient; to expedite such as shall be resolved upon by them, and in general to maintain the peace and good order, and advance the prosperity of the city.

In case of
absence or
disability.

Sec. 42. In the case of the absence or disability of the mayor, or of any vacancy in his office, the president *pro tempore* of the common council is hereby authorized and required to do and perform all the duties and trusts appertaining to the office of mayor until the mayor resumes his duties, or another be elected and qualified.

Aldermen,
duties of.

Sec. 43. It shall be the duty of every alderman in said city to attend the regular and special meetings of the common council; to act upon committees when thereunto appointed by the mayor or common council; to order the arrest of all persons violating the ordinances, by-laws or police regulations of said city; to report to the mayor all subordinate officers who are guilty of any official misconduct or neglect of duty, and to maintain peace and good order in said city.

Not to hold
certain
offices.

Sec. 44. No alderman or member of the common council shall, during the period for which he was elected, be appointed to or be competent to hold any office, the emoluments of which are paid from the city treasury, or paid by fees directed to be paid by any act or ordinance of the common council, or be

directly or indirectly interested in any contract, as principal, ^{Not to be interested in contracts.} surety or otherwise, the expenses or consideration whereof, are to be paid under any ordinance of the common council; but this section shall not be construed to prevent the mayor and aldermen from receiving a salary not exceeding fifty dollars a year each, and such other fees also as are prescribed by this act.

Sec. 45. The city recorder in addition to the other duties imposed upon him by this act, shall keep the corporate seal, and ^{City recorder, duties of.} all the papers and files belonging to said city as a corporation, not properly by this act in the custody of some other officer thereof, and shall make a record of the proceedings of the common council, whose meetings it shall be his duty to attend, and shall make and preserve a record of all ordinances and by-laws passed by the common council, in proper books to be provided therefor; and copies of all papers duly filed in his office, and ^{Papers certified by, to be evidence} transcripts from the records of the proceedings of the common council, certified to by him under the corporate seal of the city, shall be evidence in all places, of the matters therein contained; he shall countersign all licenses granted for any purpose whatever by the mayor or common council, and shall enter in an appropriate book the name of every person to whom a license shall be granted, and the number of such license, and the date thereof, and the time during which it is to be continued in force, and the sum paid for such license. No license for any purpose shall be valid until thus countersigned by the recorder; and he shall also perform such duties as are or may be required ^{To perform duties of town clerk.} of township clerks, in all cases in which he is authorized or required by this act to perform the duties of township clerk, and for such services he shall receive the same fees as they are ^{Fees for.} entitled to receive under the laws of this State; he is also hereby ^{May administer oaths.} authorized and empowered generally to administer oaths and to take affidavits; before entering upon the duties of his office ^{Official bond of.} he shall execute to the city of Adrian a bond in such sum as the common council shall direct, and with sufficient sureties to

be approved by the common council, conditioned for the faithful performance of the duties of his office.

Sealer of
weights and
measures.

Sec. 46. The city recorder shall be the sealer of weights and measures of said city, and shall perform all the duties of township clerk, so far as the same apply to the sealing of weights and measures; and the laws of this State relating to the sealing of weights and measures shall apply to said city.

To keep city
accounts

Sec. 47. The city recorder shall keep an accurate account, under appropriate heads, of all expenditures, and of all orders drawn upon the city treasury, specifying the purpose for and the fund on which such orders were drawn, which account shall be kept in books provided for that purpose.

Deputy re-
corder.

Sec. 48. The city recorder may, by the direction of the common council, appoint a deputy, to be approved by the common council, and such deputy shall, in the absence or inability of the recorder to perform the duties of his office, perform all the duties of recorder as fully as the recorder might, or could of right, do the same.

City treas-
urer, duties
of.

Sec. 49. The city treasurer shall have the custody of all moneys belonging to said city; he shall receive all moneys belonging to and receivable by the corporation, and keep an account of all receipts and expenditures thereof; he shall pay no moneys out of the treasury except in pursuance of and by authority of law, and upon warrants signed by the recorder and countersigned by the mayor, which shall specify the purpose for which the amount is to be paid; he shall keep an account of and be charged with all moneys received for each fund of the corporation, and shall pay every warrant out of the particular fund constituted or raised for the purpose for which said warrant was issued, and having the name of such fund endorsed thereon by the recorder; he shall exhibit to the common council as often and for such periods as may be required, a full and detailed account of all receipts and expenditures, classifying them by the fund to which such receipts are credited, and out of which such expenditures are made, and shall also when required, exhibit a general statement showing the

To keep ac-
counts.

To exhibit
accounts.

financial condition of the treasury, which account, report and statement shall be filed in the office of the recorder; he shall also exhibit to the common council within five days after the annual city election, a full account of all receipts and expenditures of the funds of said city since and after the date of his or the last annual report, and also the state of the treasury, which account shall be filed and published in the same manner as provided in section one hundred and one of this act.

Sec. 50. The treasurer of said city shall be the treasurer of the public schools of the city of Adrian, and shall have the custody of all funds and moneys belonging to the same, and is hereby authorized to receive from the county treasurer of Lenawee county, all moneys coming into his hands for school and library purposes, to which the school district known as the public schools of the city of Adrian, may be entitled; and for this purpose the said school district shall be considered by said county treasurer, the same as a township under the laws of the State in relation to the distribution of school and library moneys; and the said city treasurer in relation to such school and library moneys shall perform the same duties as are required of township treasurers, and he shall receive all moneys collected within said district, for school and school-house purposes, and the proceeds of all fines and penalties collected in said city which are required by law to be appropriated for library purposes, and shall dispose of the same as required by law.

Annual report.

To be treasurer of public schools.

To perform certain duties of town treasurer.

To receive fines, etc.

Sec. 51. The city marshal shall be chief of the police of the city, and it shall be his duty to serve all processes that may be lawfully delivered to him for service; and he is hereby vested with all the powers and duties conferred by law on constables elected in townships, and he may serve all processes for the purpose of enforcing any of the ordinances of said city; and it shall be his duty to see that all the laws, ordinances and regulations passed by the common council are promptly and efficiently enforced; he shall obey all lawful orders of the mayor

City marshal to be chief of police.

To have powers of constable, and to serve process.

Duties of.

To apprehend disorderly persons.

May command the aid of citizens.

and common council, and shall attend the meetings of the common council, and may command the aid and assistance of all constables and other persons in the discharge of the duties imposed upon him by law; he shall have power and authority, and it shall be his duty with or without process, to apprehend any person found disturbing the peace or offending against any of the by-laws and ordinances of the city, and forthwith take such person before any justice of the peace of said city, to be dealt with as the by-laws and ordinances of said city shall provide; and may apprehend and imprison any person found drunk in the streets, until such person shall become sober, and shall be authorized to command the assistance, in the discharge of such duties, of any of the citizens, if deemed by him necessary; and he shall perform all the duties that may be required of him by the by-laws or ordinances of said city.

To collect city taxes.

Sec. 52. The city marshal shall collect all taxes and moneys levied and assessed within said city for city purposes and for defraying the expenses of said city, within such time and in such manner as the common council shall by ordinance direct, except as herein otherwise provided; and all moneys so collected or received by him for the purposes aforesaid, shall be paid over to the city treasurer immediately after the collection thereof.

To collect State, county and school taxes
To perform duties of town treasurer.

Sec. 53. The city marshal shall be the collector of all taxes assessed or levied for State, county and school purposes in said city; and it shall be his duty to perform and discharge the same duties in relation to the collection and return of taxes, which may be assessed or levied in the several wards of said city for State, county and school purposes, that are now or may be required to be performed by township treasurers in this State; and he shall enter into a bond to the county treasurer of Lenawee county, for the purposes and in the manner now required of such township treasurers, to be approved by said county treasurer; and shall also enter into a bond, with sufficient sureties, to the treasurer of said city, who is hereby au-

To give bond to city treasurer.

thorized to take and approve the same, conditioned that he will pay over to said city treasurer all moneys for school purposes, library and school-house purposes, collected in said city which may come into his hands by virtue of his office.

Sec. 54. The city marshal may, with the approval of the common council, appoint a deputy, and revoke such appointment at pleasure, which appointment and revocation shall be in writing under his hand, and shall be filed in the office of the city recorder; and such deputy may perform all the duties of the marshal. The marshal and his sureties shall be responsible for the acts of the deputy; and in case of the death, resignation or removal of the marshal by any other means, the deputy shall perform the duties pertaining to the office of city marshal until such vacancy shall be supplied.

May appoint
a deputy.

Powers and
duties of
deputy.

Sec. 55. It shall be the duty of the street commissioner or commissioners, to perform, or cause to be performed and executed, all such labor, repairs and improvements upon the highways, streets, side-walks, lanes, alleys, bridges, reservoirs, drains, culverts, sewers and public grounds, and parks in said city as the common council shall direct, and to oversee, do and perform generally whatever may be required of him in relation thereto by the common council; and it shall be his duty to make a report to the common council, in writing and on oath, once in each month, which report shall contain an exact statement of all labor performed by him or under his supervision, and the charges therefor, and the amount of material used and the expense thereof, and the street or place where such labor was performed, and the material used, and shall further show the items and purpose of all other expenses incurred, since his last preceding report; and thereupon the common council shall audit and allow such part of such charges and expenses as appear to be just; but no such charges or expenses shall be allowed or paid until they shall have been reported as aforesaid.

Street commissioner,
duties of.

To report
to common
council
monthly.

Sec. 56. The constables of said city shall receive the same fees and have the like powers and authority in matters of civil

Constables,
fees and
powers of..

and criminal nature, and in relation to the service of all manner of process, as are conferred by the laws of this State upon constables in townships; and they shall have power to serve all processes issued for breach of any ordinance of said city.

Official
bonds of.

Sec. 57. Every constable before entering upon the duties of his office, shall file in the office of the city recorder such security for the performance of the duties of his office as is required by law of constable in townships, except that his sureties and bond may be approved by the city recorder. The constables of said city shall obey all the lawful orders of the mayor and aldermen, and of any person legally exercising the criminal jurisdiction of a justice of the peace in said city, and shall discharge all the duties that shall be lawfully required of them by any ordinance, resolution or regulation of the common council; and in case of any neglect or refusal so to do, he or they shall be subject to a penalty of not less than one nor more than twenty-five dollars.

Duties of.

Penalty for
neglect of
duty.

Justices of
the peace,
civil and
criminal ju-
risdiction of

Sec. 58 The several justices of the peace in and for said city shall also be deemed justices of the peace in and for the county of Lenawee, and shall have, in addition to the jurisdiction conferred on them by this act, the same jurisdiction, powers and duties as are conferred on justices of the peace elected in townships: *Provided*, That all actions and suits within the jurisdiction of justices of the peace, under and by virtue of the laws of this State, may be commenced and prosecuted before any justice of the peace of said city, when the plaintiff or defendant, or one of the plaintiffs or one of the defendants shall reside in the city of Adrian, or in either of the townships of Adrian or Madison, or in any of the townships adjoining to or cornering upon either of the townships of Adrian or Madison, in said county, and also when the plaintiff or plaintiffs are not residents of this State; and such justice shall have all the authority and perform the same duties as justices of the peace elected in townships, in criminal matters.

In case of
violations of
ordinances.

Sec. 59. Any justice of the peace of said city is hereby authorized and empowered to inquire of, hear, try and determine,

in a summary manner, all offenses which shall be committed within the limits of said city, against any of the by-laws and ordinances that shall be made or adopted by the common council in pursuance of the powers granted by this act, and to punish the offenders as by the said laws or ordinances shall be prescribed or directed; and such justices shall have original jurisdiction and power to hear, try and determine all charges, complaints, actions and prosecutions for the recovery or enforcing of any and all fines, penalties or forfeitures for alleged violations or infringement of the acts of the legislature of this State, incorporating said city, except in cases where jurisdiction is given to some other courts; and all actions for encroachments upon, or injury to, any of the streets, lanes, alleys, bridges, parks, buildings, trees, fences, gates or any other private or public improvements within said city. The proceedings in all such actions and prosecutions shall be according to and be governed by the general laws and rules of practice of this State, applicable to courts of justices of the peace.

For violations of this act.

For encroachments upon streets and other injuries.

Practice in proceedings

Sec. 60. In all trials before any justice of the peace, under the provisions of this act, or any person charged with any violation of any by-law, or ordinance of said city, he shall be entitled to a trial by a jury of six persons; and all the proceedings for selecting and summoning such jury, and in the trial of the cause, shall be in conformity, as near as may be, with the mode of proceedings in criminal cases before justices of the peace; and in all cases, the right of appeal and certiorari from the justice's court to the circuit court for said county of Lenawee, shall be allowed to the parties on the same terms, and the same recognizance or bond shall be given as is or may be required by law in cases of certiorari or appeals from justices' courts in other cases.

Trial by jury and mode of proceedings

Certiorari and appeals.

Sec. 61. Whenever a conviction is had or a judgment rendered for any fine, penalty or forfeiture for a violation of this act or of any ordinance of said city, it shall be with costs of suit, and execution shall issue therefor.

Costs on conviction.

Execution,
when to is-
sue and con-
tents of.

Sec. 62. Every execution for any penalty or forfeiture recovered for the violation of any of the provisions of this act, or for the violation of any by-law or ordinance of said city, may be issued immediately on the rendition of the judgment, and shall command the amount to be made of the property of the defendant, if any such can be found, and if not, then to commit the defendant to prison for such time as shall have been directed by the ordinance of the common council; and in cases where both fine and imprisonment are imposed upon the person so convicted by the judgment of such justice of the peace, he shall issue the necessary process to carry such judgment into effect.

May impris-
on in county
jail.

Sec. 63. The several justices of the peace of said city shall have power, in all cases whereby the provisions of this act or of any ordinance of said city, any person may be sentenced to imprisonment, to imprison in the jail of the county of Lenawee, in the same manner as any court of record of this State, or other competent authority, is authorized to commit to said jail; and in all cases where the term of such imprisonment shall exceed sixty days, such person may be sentenced to confinement in the Detroit house of correction; and it is hereby made the duty of the keeper of said county jail to receive such persons as shall be brought to his custody by authority of any justice of said city, or of any officer of said city authorized to commit such persons.

In Detroit
house of cor-
rection.

Duty of jail-
or.

Certain suits
to be in
name of
city.

Sec. 64. All suits for the violation of any ordinance or by-law of said city, or to recover any penalty or forfeiture for such violation, shall be brought in the name of the city of Adrian; and in any such suit or prosecution, it shall not be necessary to set forth in the complaint or warrant, the ordinance or any section thereof, the provisions of which are alleged to have been violated, except by its title; but it shall be sufficient to state in the complaint and warrant with reasonable certainty of time and place, the act, violation or offense complained of, and to allege the same to have been committed in violation of the provisions of an ordinance of the city of Adrian, referring

Ordinances,
how set
forth in com-
plaints and
warrants.

thereto by its title. And all process issued by any justice of the peace in any such suit or proceeding, shall be directed "to the city marshal of the city of Adrian, or to any constable of the county of Lenawee," and may be executed anywhere within the county of Lenawee.

Sec. 65. The justices of the peace of said city, when engaged in cases for the violation of the ordinances of said city, shall receive the same fees for their services as are allowed by law to justices of the peace in criminal cases.

Sec. 66. All fines, penalties and forfeitures recovered before any justice of the peace of said city for violation of any ordinance, by-law or regulation of the city of Adrian, and all fines, penalties and forfeitures recovered before any such justice of the peace for violation of any of the penal laws of this State, when collected and received by him, and all moneys received by him for and on account of any of the fines, penalties or forfeitures above mentioned, shall be paid over by such justice of the peace to the city treasurer on the first Monday of the month next succeeding the day when such moneys were so received. And every such justice of the peace shall report on oath to the common council, at the first regular meeting thereof in each month, during the term for which he shall perform the duties of such justice, the number and name of every person against whom a prosecution has been commenced, or judgment shall have been rendered for any of the fines, penalties or forfeitures in this section mentioned, and the amount of all moneys received by him on account thereof, or on account of any such suit, prosecution or proceeding to recover any such fine, penalty or forfeiture.

Sec. 67. In addition to the security required by law to be given by justices of the peace in townships for the performance of their official duties, each of the justices of the peace of said city, before entering upon the duties of his office, shall execute a bond to the city of Adrian, in a penalty of one thousand dollars, with sufficient sureties, to be approved by the mayor of the city, which approval shall be indorsed on said bond,

Process,
how direct-
ed and
where exe-
cuted.

Fees of jus-
tices.

Fines and
penalties to
be paid into
city treasur-
er.

Justices to
report
monthly to
common
council.

Justices to
give bonds
to the city
of Adrian.

Condition of

conditioned for the faithful performance of his duties as a police justice of said city, and to pay over to the city treasurer all moneys that shall be collected by him as such police justice, and all moneys that shall be collected or received by him for fines, penalties and forfeitures for the violation of any ordinance, by-law or regulation of said city, and all other moneys that shall be collected or received by him, which by the provisions of this act, or by the provisions of any ordinance, by-law or regulation of said city of Adrian, or by the provisions of any law of this State, are or shall be required to be paid to the treasurer of said city, and to make his report to the common council as in this act required, which bond shall be filed in the office of the city recorder.

Citizens
competent
as jurors.

Sec. 68. In suits or proceedings in which the city of Adrian shall be a party or shall be interested, no inhabitant of said city shall be incompetent to serve as a juror, on account of his interest in the event of such action or suit: *Provided*, His interest be such only as he has in common with the inhabitants of said city.

Expenses of
criminal
prosecutions,
etc.

Sec. 69. The expenses of apprehending, examining and committing offenders against any law of this State, in said city, and of their confinement, shall be audited and allowed by the supervisors of the county of Lenawee and paid by said county in the same manner as if such expenses had been incurred in any township of said county. And the expenses of apprehending, committing and punishing offenders against the ordinances and regulations of said city shall be paid by said city.

Ordinances,
when to
take effect,
etc.

Sec. 70. The style of all ordinances of said city shall be, "the city of Adrian ordains." The time when any ordinance passed by the common council shall take effect shall be prescribed therein: *Provided*, That no ordinance shall be operative until after the expiration of one week from the time of its passage.

When penal-
ties may be
prescribed,
etc.

Sec. 71. Where, by the provisions of this act, the common council have authority to pass ordinances on any subject, they may prescribe a penalty not exceeding one hundred dollars,

(unless a greater penalty is herein authorized,) or imprisonment not exceeding ninety days, or both, in the discretion of the court, together with the costs of prosecution, for a violation of any of said ordinances, and may provide that the offender, on failing to pay any fine, penalty or forfeiture, together with the costs of prosecution, may be imprisoned in the county jail of Lenawee county for any term not exceeding ninety days. Penalties may be sued for and recovered, with costs, in the name of the city of Adrian.

Sec. 72. No ordinance passed by the common council ^{Mayor may veto.} shall have any force or effect, if within three days after the passage thereof, the mayor or other officer or person legally discharging the duties of mayor, shall lodge in the office of the city recorder a notice in writing suspending the operation of such ordinance, together with his reasons, in writing, why the same should not go into effect, unless at a subsequent meeting of the common council, said ordinance shall be again passed by a majority of two-thirds of all the members of the common council then in office, exclusive of the mayor or other officer or person legally exercising the duties of the office of mayor, and if so re-passed, it shall go into effect according to the terms thereof. If such reasons shall not be lodged with the recorder, as above provided, such ordinance shall have the same operation and effect as if no notice suspending the same had been lodged with the recorder.

Sec. 73. It shall be the duty of the city recorder to commu- ^{Recorder to report veto.} nicate to the common council, at its next meeting, any paper that may be lodged with him pursuant to the provisions of the last preceding section.

Sec. 74. All ordinances shall, within one week after the ^{Ordinances to be published.} passage thereof, be published in at least one newspaper printed and published in said city of Adrian, and like notice shall be given of the amendment or repeal of any ordinance.

Sec. 75. Whenever, by the provisions of this act, any power ^{What ordinances may be enacted.} or authority is given or duty imposed upon the common coun-

cil, the common council may enact such ordinances, and establish such rules and regulations as may be necessary to carry into effect such powers and authority, and to regulate the performance of such duty.

Ordinances,
how proved.

Sec. 76. All laws, regulations and ordinances of the city of Adrian may be read in evidence in all courts of justice, and in all proceedings before any officer, body or board, in which it shall be necessary to refer thereto, either,

First. From a record thereof kept by the city recorder;

Second. From a copy certified by the city recorder under the seal of the city of Adrian;

Third. From any volume of ordinances purporting to have been written or printed by authority of the common council; and such record, certified copy, written or printed volume shall be *prima facie* evidence of such laws, regulations and ordinances, and of the passage and due publication thereof, without proof of the enactment, publishing or any other thing concerning the same.

Common
council.

Sec. 77. The mayor and aldermen when assembled and duly organized, shall constitute the common council of the city of Adrian. and the mayor, or in case of his absence, the president *pro tempore*, and a majority of the aldermen elect, or in case of

Quorum.

the absence of both the mayor and president *pro tempore*, then any six of the aldermen shall constitute a quorum for the transaction of business, but a less number may adjourn the council from time to time. But no tax or assessment shall be ordered, nor any appointment of any person to any office be made, nor shall any person be removed from office, nor shall any ordinance creating or abolishing any office be passed, except by a concurring vote of a majority of all the members of the common council.

Times of
meeting.

Sec. 78. The common council shall meet at such times as it shall determine, and at such other times as the mayor, or in case of his absence, the president *pro tempore* shall appoint. The common council shall have power to impose, levy and collect such fines as it may deem proper for the non-attend-

Fines for
non-attend-
ance.

ance of the members or officers thereof at its meetings, and also to require the attendance of any of the officers of said city at any of its meetings, and to impose fines for non-attendance.

Sec. 79. It shall be the duty of the common council, within thirty days after each annual election, and at such other times as there may be a vacancy in such office, to appoint one of their number to be President *pro tempore* of the common council. If at any meeting of the common council, neither the mayor or president *pro tempore* shall be present, the common council may appoint one of their number to preside.

Sec. 80. In the proceedings of the common council, each member present shall have one vote, except the mayor: *Provided*, That when there shall be a tie, the mayor shall give the casting vote.

Sec. 81. The sessions of the common council shall be public, and full minutes of the proceedings shall be kept by the recorder, and the same shall be open at all times for public inspection, and together with all ordinances, resolutions, by-laws and regulations adopted, shall be published within one week after such sessions in at least one newspaper printed and published in said city.

Sec. 82. Whenever required by two members, the votes of all the members of the common council in relation to any act, proceeding or proposition had at any meeting, shall be entered at large in the minutes, and such votes shall be entered in relation to the adoption of any resolution or ordinance, report of a committee or other act, for taxing or assessing the property in said city, or the citizens of said city, or involving the appropriation of money.

Sec. 83. The common council shall prescribe the rules for its proceedings. The common council, in addition to the powers and duties specially conferred upon them in this act, shall have the management and control and supervision of the highways, streets, bridges, lanes, alleys, parks and public grounds therein, of the finances, rights and interests, buildings and all property, real and personal, belonging to the city, and may make such

ordinances and by-laws relating to the same as they shall deem proper and necessary; and further, they shall have power, within said city, to enact, make, continue, establish, modify, amend and repeal such ordinances, by-laws and regulations as they may deem desirable within said city, in relation to, and for the following purposes:

Public peace
and good
order.

First. To prevent vice and immorality, to preserve public peace and good order, to prevent and quell riots, disturbances and disorderly assemblages;

Drunkards.

Second. For the apprehension and punishment of vagrants, drunkards and disorderly persons;

Disorderly
houses.

Third. To suppress all disorderly houses, and houses of ill fame, all gambling houses, and all houses and places where persons resort for gaming, or to play at games of chance, and to punish the keepers thereof;

Gaming.

Fourth. To prohibit every species of gaming, and to restrain and suppress billiard tables and bowling alleys;

Intoxicating
liquors.

Fifth. To prevent the selling or giving away of any spirituous or fermented liquors to any drunkard, minor or apprentice;

Auctions.

Sixth. To prohibit and regulate the sale of all goods, wares and personal property at auction, except in cases of sale authorized by law, and to fix the fees to be paid by and to auctioneers;

Licenses.

Seventh. To license and regulate auctioneers, peddlers and pawnbrokers, and auctions, and hawking and peddling; and to license and regulate the peddling and sale of jewelry, goods, merchandise and other property by hand, hand-cart, show-case, show-stand or otherwise, in the public streets;

Sports and
exhibitions.

Eighth. To prohibit, restrain and regulate all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses or other performances and exhibitions for money;

Sabbath and
public mor-
tality.

Ninth. To prevent the violation of the Sabbath, and to require all saloons, drinking houses, shops and other places of business to be closed on the Sabbath day, and to prevent the disturb-

ance of any religious congregation, or other public meeting assembled for any lawful purpose;

Tenth. To prohibit, prevent, abate and remove all nuisances ^{Nuisances.} in said city, and punish the persons occasioning the same, and to declare what shall be considered nuisances, and direct and authorize their speedy or immediate abatement or removal by the marshal of the city;

Eleventh. To compel the owner or occupant of any grocery, ^{Cleaning} tallow-chandler shop, soap or candle factory, ^{unwhole-} butcher-shop or ^{some places} stall, slaughter-house, stable, barn, privy, sewer, or other offensive, nauseous or unwholesome place or house, to cleanse, remove or abate the same, whenever the common council shall deem it necessary for the health, comfort or convenience of the inhabitants of said city;

Twelfth. To direct the location and regulation of all slaugh- ^{Slaughter} ter-houses and markets in said city; ^{houses.}

Thirteenth. To regulate, restrain and prohibit the location ^{Shops and} and erection of shops, and the carrying on of mechanical and ^{mechanical} other trades and vocations in such places and parts of said ^{trades.} city as the common council shall designate;

Fourteenth. To regulate the buying, selling and using of gun- ^{Gunpowder,} powder, fire-crackers and fire-works, and other combustible ^{fires, and} materials, and the exhibition of fire-works, and the discharge ^{fireworks.} of fire-arms, and to restrain the making or lighting of fires in the streets and other open spaces in said city;

Fifteenth. To prevent the incumbering of streets, side-walks, ^{Incum-} cross-walks, lanes, alleys, bridges and public grounds in any ^{brances in} manner whatever, and to compel the occupants of lots to clear ^{streets.} the side-walks in front of and adjacent thereto, of snow, ice, dirt and every incumbrance and obstruction;

Sixteenth. To provide against horse racing and immoderate ^{Immoderate} riding or driving in any street or over any bridge, and to pun- ^{riding or} ish for the same, and to authorize the arresting and detaining ^{driving.} of any person who shall be guilty of such immoderate riding or driving;

- Railroads.** *Seventeenth.* To regulate the use and speed of locomotives, engines and cars upon the railroads within said city;
- Bathing.** *Eighteenth.* To regulate and prohibit bathing in the river, ponds and streams in said city;
- Cleansing river, ponds etc.** *Nineteenth.* To provide for clearing the river, ponds and streams in said city, and the races connected therewith, of all drift wood and noxious matter; and to prohibit and prevent the depositing therein of all filth and other matter tending to render the waters thereof impure, unwholesome and offensive;
- Vagrants and lewd behavior.** *Twentieth.* To restrain and punish drunkards, vagrants, beggars, and persons soliciting alms, and to restrain and punish all lewd and lascivious behavior in the streets and public places in said city;
- Pounds and impounding** *Twenty-first.* To establish one or more pounds, and regulate and restrain the running at large of cattle, swine, horses and other animals, and geese and poultry, in the streets and public places in said city, and to authorize the impounding and sale of the same for the penalty incurred, and the costs of keeping and impounding;
- To tax dogs.** *Twenty-second.* To impose taxes on the owners or keepers of dogs, and to prohibit the running at large of dogs, and to authorize their destruction when running at large in violation of any ordinance of said city;
- Burial of the dead.** *Twenty-third.* To provide burial places, and to regulate the burial of the dead within said city, and to protect and preserve any cemetery in said city;
- Offensive matter.** *Twenty-fourth.* To prohibit the bringing and depositing within the city any offensive carcass or other unwholesome or offensive substance, and to require the removal beyond the limits of the city of any such carcass or substance, and to authorize the removal or destruction thereof by some officer of the city;
- Bells and disturbing noises.** *Twenty-fifth.* To regulate the ringing of bells and the crying of goods, and to prevent disturbing noises, and obscene and profane language in the streets;
- Lighting streets.** *Twenty-sixth.* To provide for the lighting of the streets and alleys, and the protection of the public lamps;

Twenty-seventh. To regulate and establish the line upon which buildings may be erected upon any street, lane or alley in said city, and to compel such building to be erected upon such line by a fine upon the owner or builder thereof, not exceeding five hundred dollars for each offense. Erection of buildings.

Twenty-eighth. To establish, order and regulate markets; to regulate the vending of wood, meats, vegetables, fruits, fish and provisions of all kinds; Markets.

Twenty-ninth. To prescribe and designate the stands for carriages of all kinds that carry persons for hire, and carts and drays, and to prescribe rates of fare and charges, and to designate the stand or stands for wood, and hay and produce exposed for sale in said city, and to regulate and require the weighing of hay, and the measuring of fire-wood, and for that purpose to appoint some person to measure all fire-wood brought into the streets of said city for sale; Stands for sale of hay and wood.

Thirtieth. To license all drays and omnibuses, hacks and other vehicles used for the transportation of persons and property for hire, and to prohibit their use without license; To license omnibuses, etc.

Thirty-first. To regulate the setting of shade trees in the streets, and generally to make all other ordinances and regulations that the common council may deem necessary to the safety, order and good government of the city, not inconsistent with the laws and constitution of this State. Shade trees. Ordinances generally.

Sec. 84. The common council shall have power to purchase and to hold a suitable lot or lots of land, within or without the corporation limits, for the purpose of a city cemetery or cemeteries, and they shall make such rules and regulations regarding the same as they may deem necessary, and may cause the same to be surveyed into suitable lots, and may dispose of the same to purchasers, and thereupon cause to be executed to such purchasers good and sufficient deeds in the corporate name of said city, which deed shall be signed by the mayor and recorder of said city. City cemetery. Sale of lots in.

Sec. 85. The common council shall have power, whenever in their opinion the necessities of the city require, to construct a City hall and watch-house.

city watchhouse, city hall and city market, or markets, and to appoint the keepers, clerks and necessary officers thereof, and may locate such city watchhouse, city hall and city market or markets, within or without the city limits, and may make such regulations concerning the same as the common council may think proper.

Taverns,
groceries,
common
victualers.

Sec. 86. *First.* The common council shall have and exercise in and over said city, the same powers in relation to the regulation of taverns, groceries, common victualers, saloon keepers and others as are now or may hereafter be conferred by the general laws of this State upon township boards, or upon corporate authorities of cities and villages, in relation to tavern keepers and common victualers, and subject to the same conditions and limitations, in addition to the powers herein otherwise granted; and the general laws of this State now in force, or which may hereafter be enacted, in relation to the regulation of taverns, groceries and common victualers, shall be deemed applicable to this city, unless otherwise limited.

Tavern
keepers, sa-
loon keep-
ers, etc., to
procure li-
censes.
Penalties.

Second. No person shall engage in or exercise the business or occupation of tavern keeper, inn-holder, common victualer or saloon-keeper, within the limits of said city, until he is first licensed as such by the common council; and any person who shall assume to exercise such business or occupation, without having first obtained such license, shall forfeit and pay for every day he shall so exercise such business or occupation the sum of ten dollars, to be recovered by action of debt in the name of the city of Adrian, before any justice of the peace of said city, together with the costs of prosecution.

Council may
grant li-
censes.

Third. The common council shall have power to grant licenses, to authorize persons to exercise the business of tavern keeper, inn-holder, common victualer or saloon-keeper, within said city, and may impose such fees, to be paid into the city treasury, on the granting of such licenses, as they may see fit.

Police.

Sec. 87. The common council is authorized to enact such ordinances as it may deem necessary for the appointing, organizing and maintaining a police in said city, and may make rules

for its government, and shall prescribe the duties of the policemen, and may provide for the appointment of special policemen, as occasion and emergencies may require. Every policeman, before performing any of the duties of his office, shall take ^{Official oath,} and subscribe the oath of office prescribed by the constitution of the State. Such policemen may be authorized, by ordinance, to serve any process issued by any justice of the peace for any violation of this act, or any of the ordinances of said city, and to receive the fees therefor.

Sec. 88. The common council may and it shall be its duty to ^{Public health.} make all such ordinances and regulations as may be necessary for the preservation of the public health, to restrain, regulate or prohibit the slaughtering of animals within said city, and also to prohibit the exercise, within the city, of any vocation that may be unwholesome, noisome, offensive, or dangerous to the public health. The common council may also establish a ^{Board of health.} board of health, and invest it with such powers and impose upon it such duties as may be necessary to secure the inhabitants of the city from contagious, malignant and infectious diseases; and may provide for its proper organization, and the election or appointment of the necessary officers therefor; and may make such by-laws, rules and regulations for its government and support as shall be required for enforcing the most prompt and efficient performance of its duties, and the lawful exercise of its powers.

Sec. 89. The common council is authorized to enact all such ^{Partition fences.} ordinances and laws as it may deem proper relative to the building, rebuilding, maintaining and repairing of partition fences by the owners and occupants of adjoining lots, enclosures and parcels of land in said city, and relative to the assigning to the owners or occupants of such adjoining pieces of land the portion of such partition fences to be maintained by them respectively; and may provide for the recording of such assignments and divisions when made, and may provide for the recovery of damages from any owner or occupant who shall fail to

comply with the provisions and requirements of any ordinance relative to such partition fences; and the common council may appoint fence viewers and prescribe their duties and mode of proceeding in all cases relating to partition fences in said city.

Removal of
unsafe
fences and
buildings.

Sec. 90. Whenever, in the opinion of the common council, any building, fence or other erection of any kind or part thereof is liable to fall down, and persons and property may thereby be endangered, they may order any owner or occupant of the premises on which such building, fence, or other erection stands, to take down the same, or any part thereof, within a reasonable time, to be fixed by the order, or immediately, as the case may require; or may immediately, in case the order is not complied with, cause the same to be taken down at the expense of the city, on account of the owner of the premises, and assess the same on the land on which it stood. The order, if not immediate in its terms, may be served on any occupant of the premises, or be published in the city papers, as the common council shall direct.

Council may
change
boundaries
of wards.

Sec. 91. The common council shall have power, by ordinance duly passed, to change, alter and determine the boundaries of any ward: *Provided*, That no ordinance shall be passed for the purpose of changing or altering the boundaries of any ward except by a concurring vote of all the members of the common council in office.

May borrow
money.

Sec. 92. Said common council may borrow for the time being, in anticipation of receipts from taxes, such sum as may be necessary for the purpose of defraying the current expenses of the city, and working on streets and bridges, and to issue the bonds of the city therefor.

Jury lists.

Sec. 93. The mayor and city recorder shall select and return lists of grand and petit jurors, in the same manner, and within the same time, that the same duty is required of township officers in this State.

Exclusive
grants pro-
hibited

Sec. 94. No exclusive grants or permits shall be made by the common council to any person, persons or corporation, for light-

ing the city, or furnishing the inhabitants thereof with gas, or for any other purpose.

Sec. 95. All fines, penalties and forfeitures recovered or collected for a violation of any ordinance, by-law or regulation, made or passed by the common council of said city, and all fines, penalties and forfeitures recovered, collected or received by any officer of said city, for a violation of any law of this State, shall be paid to the treasurer of said city by the officer receiving the same immediately after the receipt thereof; and any officer or person who shall neglect or refuse to pay the same as aforesaid, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail not less than three months nor more than one year, or by both fine and imprisonment, in the discretion of the court: *Provided*, That in case the officer receiving such moneys shall be a justice of the peace, he shall pay over the same at the times mentioned and provided in section sixty-five of this act; and all fines and penalties for violations of the penal laws of this State, when paid into the treasury as aforesaid, shall be disposed of as now provided by law.

Fines, how disposed of.

Penalty for neglect to pay over fines.

Sec. 96. All moneys received for licenses shall be paid into the city treasury, and shall be disposed of as the common council may direct.

Money received for license to be paid to treasurer.

Sec. 97. Every person or officer of said city shall be deemed to be a defaulter who shall neglect to account for, deliver or pay over any and all public moneys, or any books or papers pertaining to his office, or any and all moneys that shall have come to his hands by virtue of his office, for the period of sixty days from the time when, by the provisions of this act, or by the provisions of any law of this State, or of any ordinance, rule or regulation, passed by the common council, he is or may be required to account for, deliver or pay over such moneys, books or papers, to the person or officer entitled to or authorized to receive the same; and any person shall be deemed to

Defaulters.

be a defaulter who shall refuse or neglect, for thirty days after demand made, to account for and pay over to the party or officer authorized to receive the same, any and all public moneys, or books or papers pertaining to his office, which may have come into his possession; and any officer of said city shall be deemed to be a defaulter who shall refuse or neglect, for the period of sixty days, to make and file any report or statement in writing, which, by the provisions of this act, or by any ordinance, rule or regulation of the common council, he is or shall be required to make and file with said common council, or with any officer, or board of officers, of said city.

Supervisors
to afford
temporary
relief to
poor persons.

Sec. 98. The supervisors of the several wards shall be authorized, under the direction of the common council, to afford temporary relief to all such poor persons within their respective wards as in their judgment, after due inquiry and examination, may require such relief, and cannot safely be removed to the county poor house; and the common council may, in their discretion, appoint a city physician, (who shall not be a member of the council,) to give medical attention to such poor persons as aforesaid as may require such attention; and the supervisors of said city shall also, within their respective wards, do and perform such other duties and acts as are or may be required by law of supervisors elected in townships, except as herein otherwise provided.

City physician.

Duties of supervisors.

Protection
of monuments,
trees
etc., in cemetery.

Sec. 99. The common council is authorized to enact all such ordinances and by-laws as it may deem necessary for the protection and preservation of the monuments, tombstones, bridges, trees, shrubbery, property, ornaments and improvements, in Oakwood cemetery, and the grounds thereof, and the fences around the same, and may provide such penalties as it may deem proper for any violation of such ordinances and by-laws; and may, by such ordinances, authorize any officer, agent or other employe of said Oakwood cemetery association, to arrest on the spot, without process, any person found violating any such ordinance or by-law, and to take any such person

Arrest of
persons
offending.

before any justice of the peace of said city, to be dealt with summarily for such offense.

Sec. 100. Within five days after the annual city election, in each year, the common council shall audit and settle the accounts of the city treasurer, and the accounts of all other officers and persons having claims against the city, or accounts with it, and which shall not have been audited previously; and shall make out a statement in detail of the receipts and expenditures of the corporation during the preceding year, in which statement shall be clearly and distinctly specified the several items of expenditure made by the common council, the object and purpose for which the same were made, and the amounts of money expended under each; the amount of taxes raised for the general contingent expenses; the amount raised for lighting and watering the city; the amount of highway taxes and assessments for opening, paving, planking, graveling, repairing, altering and grading streets, and building and repairing bridges; the amount of money borrowed on the credit of the city, and the terms on which the same was obtained; and such other information as shall be necessary to a full understanding of the financial concerns of the city.

Annual statement of accounts against the city.

Annual report of common council
Contents of.

Sec. 101. The said statement shall be signed by the mayor and recorder of said city, and filed with the papers in the city recorder's office; the same shall be published by the recorder, at the expense of the city, in some newspaper thereof, to be designated by the common council, within ten days after such annual election.

Report, how signed and when filed.
To be published.

Sec. 102. Before any account or demand of any person against said city shall be audited, allowed or paid, the same shall be verified by affidavit, and shall set forth the items thereof, and the amount of each item, with the proper dates in detail, which affidavit may be taken and certified by any member of the common council, or by any person authorized to administer oaths.

Accounts to be verified.

Sec. 103. The supervisors of the several wards are hereby authorized and required to perform the same duties, in their

Supervisors to levy and collect taxes

respective wards, that the supervisors of townships, under the general laws of this State, are required to perform in relation to the assessing of property and levying taxes for State, county and school purposes; and for such services they shall receive the same fees as supervisors are entitled to; they shall also represent their several wards in the board of supervisors of the county of Lenawee, and shall be entitled to all the rights, privileges and powers of the members of said board of supervisors.

Fees for. For the purpose of assessing all property equally in the whole city, the said supervisors shall meet jointly at the office of the city recorder, at the time required by the statute, for the purpose of reviewing, equalizing and completing their assessments and assessment rolls for each of their several wards. When such assessment rolls shall be completed, they shall be delivered to the city recorder, who shall immediately proceed to make therefrom a full and complete condensed copy of such assessment rolls for the use of the common council. Such copy shall be completed, and within fifteen days after receiving the same, the said recorder shall redeliver said rolls to the respective supervisors of each ward.

To represent wards on board of supervisors.

Review of assessments.

Recorder to make copy of roll.

Assessments, how and when made. Sec. 104. The assessment in the several wards of the city shall be made at the same time, and the assessment rolls completed, and all other proceedings had therein, in the same time, and in the same manner, as is or may be required by law for the assessment of property, and completing the assessment rolls in townships.

Poll tax. Sec. 105. The common council shall have power to assess and collect from every white male inhabitant of said city over the age of twenty-one years, (except paupers, idiots and lunatics,) a list of whom shall be made by the supervisors at the time of making their annual assessments, an annual capitation or poll tax, not exceeding one dollar, and they may provide by ordinance for the collection of the same: *Provided*, That such poll tax shall not be levied upon any person who is assessed for one hundred dollars of real or personal estate.

Proviso.

Sec. 106. The common council shall have power and authority to raise annually by tax, upon the real and personal property in said city liable to taxation, such sums as they may deem necessary to defray the expenses and liabilities incurred by said city, and to carry into effect the powers hereby conferred on them; and they shall, on or before the first day of October in each year, determine by resolution the amount of taxes necessary to be levied for city and highway purposes during the year.

Tax for city expenses.

Highway tax.

Sec. 107. Within five days after the board of supervisors of Lenawee county shall have completed the equalization of the valuation of the property in said city, and the townships of said county, for such year, said common council shall apportion the amount necessary to be raised by tax in said city for city and highway purposes for the year, as mentioned in the last preceding section, among the several wards of said city, according to the valuation of the property appearing on the assessment rolls of said several wards for such year as equalized by the board of supervisors; and shall also, within the same time, determine the sum or sums (if any) which they require to be assessed, or re-assessed, with the ordinary city tax for the year, upon the whole or any part of the property in any ward to defray the expenses incurred or to be incurred upon any street, side-walk, or other public or local improvement in such ward.

Apportionment of tax among the wards.

Tax for ward im. provement.

Sec. 108. The city recorder, immediately after such apportionment shall certify the amount so apportioned to each ward respectively, to the supervisor of such ward; and if there are any taxes or sums to be added to, assessed or re-assessed with the ordinary city tax on any part of the lands or property in any ward to defray the expense of any public or local improvement as mentioned in the preceding section, the recorder shall certify the same also, together with a description of the premises upon which such sum or tax is to be assessed or re-assessed, to the supervisor of the proper ward; and it is hereby made the duty of said supervisors, respectively, to levy the sums so apportioned, and such other taxes as may be required

Recorder to certify amt apportioned to the supervisor.

Supervisor to levy the amount.

Proviso.

by law upon the taxable property of such wards, in the same manner as taxes for township purposes are required to be levied by the supervisors of the townships of this State: *Provided*, That any sums or tax required to be assessed or re-assessed by any supervisor, for the purpose of public or local improvements as aforesaid, shall be assessed upon those lands and premises only which are chargeable therewith.

Form of assessment rolls.

Sec. 109. In making out the tax rolls for the several wards, the same form shall be used by the supervisors as is required by law to be used in townships, the city and highway taxes to be put in the column designated for township taxes; but no per centage for the charges or expenses of collecting any State, county, city, or other tax assessed in such rolls, shall be

Taxes a lien.

added by the supervisor; and every tax lawfully imposed by the common council upon any lands, tenements and hereditaments, in said city, shall be and remain a lien upon such lands, tenements and hereditaments, in the same manner, and from the same time, that State and county taxes are by law made liens upon the lands upon which such State and county taxes are levied, and the owner or occupant, or party interested in any such real or personal estate, shall be liable on demand to pay every such tax to be levied as in this act provided.

Rolls to be delivered to marshal for collection.

Sec. 110. The supervisor of each ward shall complete the tax roll of each ward, and deliver the same to the city marshal for collection, with the respective taxes for State, county, school and city and highway purposes, levied and specified therein, as is required by this act and the laws of this State, within the time required by law for the completion and delivery of the township tax rolls to the respective township treasurers of this

Warrant to be annexed to rolls.

State, and shall annex to such roll his warrant to the city marshal for the collection thereof, stating therein the sum to be raised for city and highway purposes, and the several amounts to be paid into the city and county treasuries respectively, and commanding the city marshal to collect from the several persons named in said roll, the several sums mentioned in the last column thereof, opposite their respective names, together with a

per centage of six per centum upon the amount of every tax remaining unpaid on the first day of January then next, for the charges for the collection of the same, and to pay over and account for all moneys so collected and specified in said roll as directed in said warrant, on or before the first day of February then next; and the said warrant shall authorize the said marshal, in case any person shall neglect to pay his tax, to levy the same by distress and sale of the goods and chattels of every such person.

Sec. 111. Upon receiving the several ward tax rolls for the year from the supervisors of the several wards, the city marshal shall immediately give notice to the tax-payers of said city that such rolls have been delivered to him, and that the taxes therein specified can be paid to him at his office at any time before the first day of January thereafter without any charge or per centage for the collection thereof, but that six per centum will be added to all unpaid taxes on the first day of January then next, which notice shall be given by publishing the same twice in each of the daily newspapers in said city, and by posting the same in three public places in each ward of the city; and proof by affidavit of the publishing and posting of such notices, shall be filed in the office of the city recorder; and it shall be the duty of the city marshal to be at his office at such times previous to the said first day of January as the common council shall direct, and there receive payment of such taxes as may be offered to him.

Notice of
marshal
How given.

Proof of
publication.

Marshal to
be at his
office to re-
ceive pay-
ment.

Sec 112. On the first day of January next after the receipt of said several tax rolls by said city marshal, he shall add to each unpaid tax a per centage of six per centum of the amount thereof as stated in the tax rolls, and the amount of the tax with said addition shall henceforth be the unpaid tax; and thereupon said marshal shall proceed to collect said taxes remaining unpaid, and shall call once upon each person whose taxes remain unpaid, if a resident of the city, and demand payment of the taxes including said per centage charged to

Percentage
to be added
to unpaid
taxes.

Marshal to
collect un-
paid taxes.

levy and collection of by distress and sale.

him on said roll, and in case of his neglect to pay the same, the marshal shall levy and collect the same by distress and sale of the goods and chattels of every such person whoever found within said city, and may take any property that can be taken by township treasurers in the collection of taxes; and he shall give the same notice, and sell and dispose of any surplus in the same manner as township treasurers are required to do. All sums added to unpaid taxes as percentage as aforesaid shall, when collected, be paid into the city treasury, to be disposed of as the common council shall direct; and all fees collected by the marshal on sales of personal property for the payment of any tax shall also be paid into the city treasury as aforesaid.

Percentage, etc. to be paid into city treasury.

Return of unpaid taxes to county treasurer.

Sec. 113. Said city marshal shall make return to the county treasurer of the county of Lenawee, of all taxes remaining unpaid upon said several tax rolls, within the same time and in the same manner as township treasurers are required by law to make similar returns. For the purpose of assessing and levying taxes in said city, for State, county and school purposes, each ward shall be considered the same as a township, and all provisions of law relative to the collection of taxes levied in townships, shall apply to the collection of taxes levied and assessed by the supervisors of said city in the several ward tax rolls of said city, except as herein otherwise provided. For the purpose of collecting taxes and for the return of property for the non-payment of taxes, the city marshal shall perform the same duties, and have the same powers as a township treasurer, except as herein otherwise provided; and all provisions of law respecting the return and sale of property for the non-payment of taxes for State, county and township purposes, shall apply to the return and sale of property for the non-payment of all taxes levied in said city, except as herein otherwise provided.

Provisions for the collection of taxes.

Provisions for the return and sale for non-payment.

Marshal to pay certain moneys into city treasury.

Sec. 114. The city marshal shall, within the time specified in the warrants annexed to said several tax rolls, pay into the city treasury out of the moneys collected by him on said rolls, the amounts specified in said several warrants to be paid

into the city treasury, for city, highway, library and school purposes, as in such warrants specified; and shall within one week after the time specified in said warrants for paying the money directed to be paid to the county treasurer, pay to the said county treasurer the sums required in said warrants, either in delinquent taxes, or in funds then receivable by law; and all the provisions of law respecting delinquent taxes in townships, shall apply to all taxes levied in said city, which shall be returned as delinquent to the county treasurer; and the said city, in respect to the taxes levied therein, which shall be returned as delinquent to the county treasurer, shall be considered and treated by the county treasurer the same as a township, except as herein otherwise provided.

Sec. 115. When any special assessment for public improvements, or for any local improvements upon any ward, district, street, lane, alley, public sewer or other improvement shall have been made, as in this act provided, and the tax roll for the same shall have been delivered to the marshal for collection, the same shall be a lien upon the premises upon which the same was assessed, and the marshal collecting such tax shall levy and collect the same of any personal property found on the premises so assessed or in possession of that person chargeable with such tax; and in case sufficient personal property shall not be found to levy and collect the same, the marshal shall make return to the city recorder of the sums so remaining uncollected by him, with a description of the lots or parcels of land upon which such tax was assessed, and which remains unpaid, as aforesaid; and thereupon the common council shall cause the same to be re-assessed upon said premises in the tax roll of the proper ward, next thereafter to be made by the supervisor thereof, and the same shall thereupon be collected and returned, and the same proceedings had for the collection and return thereof, and for the sale of such premises for the non-payment of such tax as is provided by law for the collection, return and sale of premises for non-payment of the ordinary city taxes.

Into county
treasury.

Return of
delinquent
taxes.

Special as-
sessments
a lien upon
property.

How col-
lected.

Return of
amount un-
collected.

Re-assess-
ment of:

Street dis-
tricts.

Sec. 116. The common council may divide said city into street districts, and may provide that the whole or any part of the moneys raised by tax in any such district for street and highway purposes and for drainage, shall be expended therein.

Reservoirs.

Sec. 117. The common council shall have power and is authorized to construct reservoirs wherever needed, and to provide for

Bridges, etc.

supplying the same with water; to build bridges; to construct

Grades, etc.

sewers, drains and culverts; to provide wells; to grade, gravel, pave, repair, amend, and otherwise improve the streets, lanes,

Sidewalks.

alleys, public grounds and parks in said city; to construct, re-

Encroach-
ments upon
streets, etc.

pair and renew side-walks; to remove all encroachments and in-

Drainage.

cumbrances from any streets, side-walk, public ground or place in said city, and may fill up, drain, cleanse and regulate any grounds, yards, basins, slips, cellars or vaults within said city that may be sunken, damp, foul, incumbered with rubbish or

Public im-
provements

unwholesome, and to make such other public improvements as may conduce to the general good and prosperity of the city, or of any part thereof, and may provide that the whole or any part of the expense incurred for any of the purposes aforesaid shall be paid by a general city tax.

Levy and
collection of
taxes for
local im-
provements

Sec. 118. The common council shall have power to assess and levy by tax the expenses of making, grading, paving, opening and repairing streets, lanes and alleys, and of putting curbstones and culverts therein; of grading, paving or plank-ing and repairing side-walks, of draining low lands, of making drains and sewers and other local improvements upon the lots, premises and subdivisions thereof, which are in front of or adjoining to such streets, side-walks, drains sewers and other improvements, and upon lots and premises, which in the opinion of the common council are benefited thereby; and the common council shall have power to make all by-laws and ordinances relative to the mode of assessing, levying and collect-ing such tax.

Owners of
premises
may be re-
quired to
construct
sidewalks.

Sec. 119. Whenever the common council shall deem it expedient to construct any side-walk or pavement, or plank any street within the said city, they may, by ordinance or otherwise,

require the owner or occupant of any lot or house adjoining said street, to lay such side-walk, or construct such pavement, or plank such street to the middle of the said street in front of his or her lot or house, or they may direct such sidewalks and pavements to be made, and such streets to be planked according to the provisions of this act. The common council may in like manner, by ordinance or otherwise, under such penalty or penalties as they may prescribe, require the owners and occupants, or either, of land in said city, or any specified part thereof, to construct, repair, maintain and reconstruct sidewalks, pavements and other street improvements, adjoining their respective premises, to the middle of such street or alley, in such manner as the common council, by ordinance or otherwise, may direct. If the owner or occupant of any lot or premises, after notice so to do shall have been posted on such lot or premises, or otherwise given, served or published as the common council may direct, by ordinance, resolution or otherwise, shall fail or neglect to construct or repair any side-walk or pavement, or to plank any street, or to clear away any snow, ice or other obstruction from any side-walk, or to widen any street adjoining to such lot or premises, within such time as the common council may prescribe or require, by ordinance, resolution or otherwise, the common council may cause the same to be done at the expense of the city; and such expense shall be deemed to be a special assessment upon such lot or premises, and the common council may add the same to the amount of the general city tax on such lot or premises in the proper ward tax roll next thereafter to be made; and the amount so added shall be a lien on the premises in the same manner as the tax to which it is added, and may be collected and enforced, (and if not paid,) the land sold therefor in the same manner as for ordinary city taxes.

Repair of
sidewalks

In case of
neglect by
owner, im-
provement
may be
made at ex-
pense of
city.

Assessment
and collec-
tion of am't
so expended

Sec. 120. The common council shall have power and authority to lay out, establish, open, extend, widen, straighten, alter, close and vacate, and improve such streets, highways, alleys, lanes, water courses, squares, market places and public parks

Council may
lay out
streets, etc.

Proceedings
when pri-
vate prop-
erty is to be
taken there-
for.

Payment for
premises
auth. raised.

Summons of
jury to as-
sess dama-
ges.

Duty of jury

in said city, as it shall deem necessary for the public convenience; and if in the doing thereof, the property or lands of any person shall be required for such purpose, the common council shall so declare by resolution, stating therein a description of the lands or premises required, and the purpose for which the same are to be used, and that the common council will meet on some day to be named in the resolution, to take action in regard to the matter; and notice of such meeting, and that such lands or premises are required for the purpose aforesaid, shall be given to the owner or parties interested, or his or their agents or representatives, by personal service of a copy of such resolution, or by publication of a copy of such resolution in one of the newspapers published in said city, at least three weeks previous to the time appointed in said resolution for the meeting of the common council; and the common council is hereby authorized to negotiate with the person or persons interested in or owning such grounds or premises for the same, and to pay therefor such reasonable sum as may be agreed upon; but if such person or persons shall refuse to negotiate for such lands or premises, or if, for any other cause, there shall not be any agreement or bargain between the parties therefor, it shall be lawful for the common council, at the time of the meeting appointed in such resolution, to direct the city recorder to issue a precept under his hand and the seal of said city, in the nature of a *venire facias*, directed to the marshal or any constable of said city, commanding him to summon a jury of six disinterested freeholders of said city, to appear before any justice of the peace of said city, at a time therein to be stated, to inquire into and assess the damage and recompense due to the owner or owners of, or parties interested in such grounds or premises; which jury being duly sworn by said justice, faithfully and impartially to inquire into and assess the damages in question, and having viewed the premises, if necessary, shall inquire of and assess such damages and recompense as they shall deem fit to be awarded to the owner or owners of, or parties interested in such grounds or premises

for their respective damages or losses, according to their several interests and claims therein; and the said justice shall, upon Judgment. the return of such assessment, enter judgment confirming the same; and the sum or sums so assessed, together with his or their costs, shall be paid or tendered to the party or persons entitled thereto, if residing in said city, and if not residing Payment or tender of amount assessed. therein, to be paid into the city treasury for the use of such party, persons or claimant, before such street, lane, alley, square, water-course, market-place or public park, shall be made, opened, established or altered; but if the jury find that Costs. the claimant is not entitled to any damages, then it shall be competent for such justice to render judgment against such claimant for costs, and issue execution therefor; and in either case it shall thereupon be lawful for the common council to cause the same grounds or premises to be converted to and for the uses and purposes aforesaid: *Provided*, The party Appeal claiming damages may have the right to remove such proceedings by appeal to the circuit court for the county of Lenawee, upon giving notice of his or their intention so to do to said justice, in writing, within ten days, or in case of the absence of said party from the city at the time of the rendition of the judgment, within thirty days after the assessment or verdict of such jury, and the judgment of such justice therein as aforesaid, such appellant first giving bond with two sufficient sureties, to be approved by said justice, conditioned to pay all costs that may be awarded against him in said circuit court; but Effect of appeal. no appeal, supersedeas, injunction, or any other process or proceeding from any court whatever, shall prevent the immediate making, laying out, opening, establishing, altering, straightening or widening such street, lane, alley, square, water-course, market-place or public park, as aforesaid; and upon Proceedings upon appeal. filing in said circuit court the said bond, and a transcript of the proceedings aforesaid, duly certified by said justice, within forty days after the rendering of said judgment of confirmation, the same proceedings shall be had in the circuit court, as is prescribed by law in case of appeals from justices' courts;

city, whose powers, duties and compensation shall be prescribed by the common council; and they shall also appoint a city watch of one or more persons, not exceeding five, if the common council shall deem it necessary for the safety of the persons and property of the city, their duties and compensation, when in actual service, to be prescribed by the common council.

Firemen entitled to certificate of membership. Exemptions. Sec. 130. Every person belonging to an organized fire company in said city, may obtain from the city recorder a certificate to that effect, which shall be evidence thereof; and the members of every such company, during their continuance as such, shall be exempt from serving on juries, and from paying a poll tax in said city.

Compensation for injuries received by firemen. Sec. 131. The common council may provide suitable compensation for any injury that any fireman may receive to his person or property, in consequence of the performance of his duties at any fire.

Present officers of city to hold until the expiration of their terms. Sec. 132. All persons heretofore elected or appointed to office in and for the city of Adrian, and now holding such offices, shall continue to hold their respective offices and to perform the duties thereof for the remainder of the terms for which they were elected or appointed respectively.

Ordinances, by laws, etc., heretofore passed. Sec. 133. All ordinances, by-laws, rules, regulations and resolutions of the council and freemen of the city of Adrian, or heretofore passed by the common council of said city, and now in force, shall, except so far as they are inconsistent with the provisions of this act, continue in force until repealed, modified or amended by the common council of the city of Adrian; and the passage of this act shall not invalidate any act already done, right accrued or acquired, proceeding had or tax sale made under and by virtue of any law of this State in relation to the city of Adrian, or in relation to the council and freemen of the city of Adrian, or under and by virtue of any ordinance, by-law, regulation or resolution passed or adopted by the council and freemen of the city of Adrian, or by the common council of said city, but the same shall be and re-

This act not to affect present rights.

regulate and prescribe the manner of constructing party walls, chimneys and fire places, and the manner of putting up stoves, stove-pipes and other things that may be dangerous in causing or promoting fires, and may regulate and prescribe the manner of constructing all blacksmith shops, cooper shops, carpenter and cabinet shops, planing establishments and bakeries, and other buildings and establishments usually regarded as extra hazardous in respect to causing fires, and may prescribe the materials of which the same shall be constructed.

Sec. 123. The common council may regulate the use of lights and candles in every livery stable, and other building in which combustible articles may be deposited, and may prescribe the use of lanterns or safety lamps in such buildings; and may regulate the transporting, keeping and deposit of gunpowder or other dangerous or combustible materials, and may prevent or regulate the carrying on of manufactories dangerous in causing or promoting fires; and may authorize and direct the removal of any hearth, fire-place, stove-pipe, flue, chimney or other conductor of smoke, or any other apparatus or device in which any fire may be used, or to which fire may be applied, that shall be considered dangerous, and liable to cause and promote fires, and generally may adopt such other regulations for the prevention and suppression of fires as they may deem necessary.

Council may regulate the use of lights in certain cases
Gunpowder, etc.

Sec. 124. For the purpose of enforcing such regulations, the common council may authorize and direct the fire wardens and any of the officers of said city, to enter into and examine, at all reasonable times, all dwelling houses, buildings and tenements of every description, and all lots, yards and enclosures, and to cause such as are dangerous to be put in safe condition; and may authorize such officers and persons to inspect all hearths, fire-places, stove-pipes, flues, chimneys or other conductors of smoke, and any apparatus or device in which fire may be used, or to which fire may be applied, and remove and make the same safe at the expense of the owner or occupants

Council may give fire-wardens, etc., certain powers.

situation of any building in respect to its exposure to fire.

Occupied
dangerous
in respect
to fire may
be prohibi-
ted.

Sec. 125. The common council may also prohibit the carrying on or prosecution, within any fire district, of any trade, occupation or business which it may deem dangerous in respect to causing or promoting fires; and may prohibit the maintaining of lumber yards, and the keeping, piling and storing of firewood, timber, lumber or other easily combustible material, in any open or other place in any fire district. Every building or structure that shall be constructed, moved, repaired, enlarged, used maintained or occupied in violation of or contrary to any ordinance of said city, is hereby declared to be a common nuisance, and may be abated and removed by direction of the common council.

Building
constructed,
etc., in vio-
lation of or-
dinances
declared
a common
nuisance.

Fire com-
panies, etc.

Sec. 126. The common council may also establish, maintain and regulate, all such fire engine, hook and ladder, hose and bucket companies as may be deemed expedient, and shall provide such companies with fire engines, and other implements and instruments necessary to be used in extinguishing fires, and may provide suitable engine houses for such companies, and may appoint from among the inhabitants of said city such num-

Firemen.

Powers of
companies.

ties of.

ber of men willing to accept, as may be deemed proper and necessary to be employed as firemen; and every such company shall make their own by-laws and rules for the organization and government of the company, subject to the approval of the common council, and may enforce and collect such fines for the non-attendance or neglect of duty of any of its members, as may be provided by the by-laws and rules of the company; and it shall be the duty of every such company to keep the fire engine, hose, hooks, ladders and other instruments and implements in its charge, in good and perfect repair; and it shall be the duty of each fire company to assemble, at least once in each month, and as often as may be directed by the chief engineer, for the purpose of working and examining the fire engine and other implements in its charge, with a view to the keeping of the same in perfect order and repair; and upon any alarm

or breaking out of any fire in said city, each fire company shall forthwith assemble at the place of such fire, with the engine and other implements of the company, and be subject to the orders of the chief engineer or other person for the time being lawfully acting as chief engineer of the fire department.

Companies to assemble in case of fire.

Sec. 127. Upon the breaking out of any fire in said city, the marshal shall immediately repair to the place of such fire, and aid and assist as well in extinguishing the fire as in preventing any goods or property from being stolen or injured, and in protecting, removing and securing the same, and for that purpose act as chief of police; and in pursuance of his duties, the marshal shall be in all respects obedient to the mayor, aldermen and fire wardens, or either of them, or such of them as may be present at such fire; and the mayor, or any aldermen, may require the assistance of all bystanders in extinguishing such fire, and in the removal, preservation and protection of all property endangered thereby; and in case any bystander shall willfully neglect to comply with such requirements, he shall be punished in the manner provided by the by-laws or ordinances of the common council, who are hereby authorized to pass such by-laws in relation thereto as they may deem necessary.

Duty of marshal in case of fire.

Marshal to be obedient to mayor, etc.

Bystanders may be required to aid in extinguishing fires.

Sec. 128. Whenever any person shall refuse to obey any lawful order of any engineer, fire-warden, mayor or alderman, at any fire, it shall be lawful for the officer giving such order to arrest, or to direct orally any constable, watchman, or any citizen, to arrest such person and confine him temporarily in a safe place until such fire shall be extinguished; and in the same manner such officers, or any of them, may arrest or direct the arrest and confinement of any person at such fire, who shall be intoxicated or disorderly.

Proceedings in case of refusal.

Sec. 129. The firemen of said city shall annually elect one of their own number to be chief engineer, who shall have command of the whole fire department of the city. They shall also, at the same time, elect assistant engineers from their number, and shall appoint a fire warden for each ward of the

Officers of fire companies.

city, whose powers, duties and compensation shall be prescribed by the common council; and they shall also appoint a city watch of one or more persons, not exceeding five, if the common council shall deem it necessary for the safety of the persons and property of the city, their duties and compensation, when in actual service, to be prescribed by the common council.

Firemen entitled to certificate of membership. Exemptions

Sec. 130. Every person belonging to an organized fire company in said city, may obtain from the city recorder a certificate to that effect, which shall be evidence thereof; and the members of every such company, during their continuance as such, shall be exempt from serving on juries, and from paying a poll tax in said city.

Compensation for injuries received by firemen.

Sec. 131. The common council may provide suitable compensation for any injury that any fireman may receive to his person or property, in consequence of the performance of his duties at any fire.

Present officers of city to hold until the expiration of their terms.

Sec. 132. All persons heretofore elected or appointed to office in and for the city of Adrian, and now holding such offices, shall continue to hold their respective offices and to perform the duties thereof for the remainder of the terms for which they were elected or appointed respectively.

Ordinances, by laws, etc., heretofore passed.

Sec. 133. All ordinances, by-laws, rules, regulations and resolutions of the council and freemen of the city of Adrian, or heretofore passed by the common council of said city, and now in force, shall, except so far as they are inconsistent with the provisions of this act, continue in force until repealed, modified or amended by the common council of the city of Adrian; and the passage of this act shall not invalidate any act already done, right accrued or acquired, proceeding had or tax sale made under and by virtue of any law of this State in relation to the city of Adrian, or in relation to the council and freemen of the city of Adrian, or under and by virtue of any ordinance, by-law, regulation or resolution passed or adopted by the council and freemen of the city of Adrian, or by the common council of said city, but the same shall be and re-

This act is to affect present rights.

main as valid for all purposes as if this act had not been passed; and all proceedings heretofore commenced under and by virtue of any ordinance or by-law of said city, and now pending or not yet completed, shall remain valid and be completed in the same manner and with the same effect as if this act had not been passed.

Proceedings heretofore commenced to remain valid.

Sec. 134. All bonds, obligations, evidences of debt and indebtedness, issued or incurred by the council and freemen of the city of Adrian, and still remaining in force and not canceled, may be collected, enforced and prosecuted against said corporation, by the name of the city of Adrian; and all bonds, obligations, evidences of debt and indebtedness due or owing to the city of Adrian, or to the council and freemen of the city of Adrian, may be collected, prosecuted for and enforced by said corporation hereby created, by the name of the city of Adrian.

Collection of outstanding obligations, etc.

Enforcement of outstanding claims.

Sec. 135. This act shall be deemed a public act, and shall be favorably construed in all courts and places.

Public act.

Sec. 136. This act shall take immediate effect.

Approved March 20, 1865.

[No. 291.]

AN ACT to authorize the board of supervisors of certain counties, to determine the amount of salary to be paid to judges of probate.

SECTION 1. *The People of the State of Michigan enact, That* the board of supervisors of each of the counties of Mackinac, Chippewa, Delta, Menominee, Presque Isle, Cheboygan, Emmet, Manitou, Alpena, Iosco, Marquette and Bay, shall hereafter have the power to determine and fix the amount of salaries to be paid to judges of probate, in their respective counties, without reference to the limitations contained in the proviso attached to section two, of act number seventy-nine, of the session laws of eighteen hundred and sixty-three.

Board of supervisors to determine salary.

Approved March 21, 1865.

[No. 292.]

AN ACT to amend sections five and twelve, of chapter one hundred and forty-one, of the compiled laws, and the act amendatory thereof, approved March seventh, eighteen hundred and sixty-three.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section five, of chapter one hundred and forty-one, of the compiled laws, and the act amendatory thereof, approved March seventh, eighteen hundred and sixty-three, be amended so that the same shall read as follows:

Personal
service
the com-
mencement
of suit.
How served.

(4781.) Sec. 5 The personal service of a summons upon such garnishee, shall be deemed the commencement of suit in the name of the plaintiff against such garnishee, which summons may be served in the same or adjoining county in this State, and require the appearance of such garnishee before such justice at his office in the same or any adjoining counties of this State, and a constable or sheriff of either county may serve the same:

Fees for
travel, etc.

Provided, The lawful fees for travel and attendance shall be paid or tendered to such garnishee at the time of such service, and such suit may be entered on the docket as suits in other cases: *Provided, further*, That such summons shall not be served in any other county than that where such suit is commenced in any of the counties of the Upper Peninsula.

Section
amended.

Sec. 2. Section twelve, of said chapter one hundred and forty-one, is hereby amended so that the same shall read as follows:

Execution.

(4788.) Sec. 12. If judgment be rendered against the garnishee, the justice may issue execution thereon, as in other cases; such execution may be directed to the sheriff, or any constable of the county where such justice resides, or to the sheriff or any constable of any county in this State, and may be fully executed in the county to which it is directed; but if the body of such garnishee be taken in such execution, he shall be committed to the jail of the county in which he resides.

To whom
directed.

Approved March 21, 1865.

[No. 293.]

AN ACT to prevent the killing of muskrats during certain seasons of the year, in the counties of Saginaw and Bay.

SECTION 1. *The People of the State of Michigan enact, That* hereafter no person shall ^{Prohibition} destroy any muskrat, between the first day of April and the first day of December, in each year, in either of the counties of Saginaw or Bay.

Sec. 2. Any person charged with violating the provisions of ^{Penalty.} this act, may be tried before any justice of the peace of the county where such offense is alleged to have been committed, and on conviction thereof, shall be fined not exceeding five dollars, together with the costs; and may be imprisoned in the county jail not exceeding five days

Approved March 21, 1865.

[No. 294.]

AN ACT appropriating certain non-resident highway taxes for the years one thousand eight hundred and sixty four, one thousand eight hundred and sixty-five, and one thousand eight hundred and sixty-six, of the township of Sciota, in the county of Shiawassee, to build a bridge across the Looking Glass river, in said township.

SECTION 1. *The People of the State of Michigan enact, That* for the purpose of building a bridge across the Looking Glass river, on the highway running south from the village of Laingsburgh, on the south-east quarter of the south-east quarter of section twenty-nine, in the township of Sciota, in Shiawassee county, there is hereby appropriated, to be expended as hereinafter provided, the unexpended highway taxes of the non-resident lands of said township for the years eighteen hundred sixty-four, eighteen hundred sixty-five and eighteen hundred sixty-six, towards the building of said bridge. ^{Appropriation of highway taxes.}

Sec. 2. That Freeman McCintock, in the said township of Sciota, be and he is hereby appointed a special commissioner ^{Commissioner.} to superintend the expenditure of such sums of money as may

from time to time be collected and received by him under the provisions of this act, and to direct and determine the manner in which the money so received and collected, shall be expended for the building of said bridge.

Commuta-
tion money
to be paid
to com'r.

Sec. 3. Any overseer of highways in said township, or the township treasurer thereof, having received any portion of said tax by way of commutation or otherwise, shall, on demand of such commissioner, pay over to him any sums of money so received, and the receipt of said commissioner shall release such overseer or treasurer from any further liability thereof.

Annual re-
port of
com'r.

Sec. 4. It shall be the duty of said special commissioner, to render to the township board of said township, at the annual meeting in each year, a true account of the appropriations and disbursements of all moneys he may have received during the year by virtue of this act. Said commissioner may receive donations and subscriptions for the benefit of said bridge, and shall cause the same to be faithfully appropriated, or applied to the improvement thereof, and may in his own name, sue for and recover any such subscriptions.

Compensa-
tion of com-
missioner.

Sec. 5. Said commissioner shall receive as compensation for services, not exceeding one dollar and fifty cents per day, while actually engaged in the discharge of the duties imposed on him by this act, which amount shall be audited and allowed by the township board of said township, and paid out of the funds created by this act; and the said board shall require said commissioner to verify the account by oath or affidavit: *Provided*, The said commissioner shall be required to give bonds, in such sums as the supervisor of said township shall direct, before entering upon his duties as such commissioner.

Bond of.

Vacancy.

Sec. 6. In case the special commissioner appointed by this act shall neglect or refuse to serve, or in case a vacancy shall occur by death, removal or otherwise, the township board of said township shall have power, and by virtue of this act may appoint a commissioner to fill such vacancy, and such appointment shall be certified in writing by the officers making the

same, and filed in the office of the township clerk of said township; and whenever such vacancy shall occur, the said officers ^{How filled.} shall proceed at once to fill said vacancy; the commissioner so appointed shall be required to give bonds, as provided in this act, and shall have the same powers as the commissioner appointed by this act.

Sec. 7. This act shall take immediate effect.

Approved March 21, 1865.

[No. 295.]

AN ACT to authorize a war bounty loan.

SECTION 1. *The People of the State of Michigan enact, That* the Governor and State Treasurer be and they are hereby ^{Loan au-} authorized and directed, in the name and in behalf of the people of this State, whenever it shall become necessary for the purpose of paying a State bounty, authorized to be paid to volunteers in the military service of the United States, by the provisions of any law of this State, to negotiate and contract for a loan or loans, for such sum or sums as may be necessary for the purpose herein specified, not exceeding five hundred ^{Amount.} thousand dollars in all, on the most favorable terms that in their judgment can be obtained, redeemable at the pleasure of the State, at any time after the expiration of twenty-five years from and after May first, eighteen hundred and sixty-five, at a rate of interest not exceeding seven per centum per annum, payable semi-annually on the first day of May and November, respectively, in each year. Such loan shall be known as the ^{Name of.} "war bounty loan of the State of Michigan."

Sec. 2. For the purpose of effecting the loan or loans by this act authorized, the Governor and State Treasurer are hereby ^{Issue of bonds au-} empowered and directed to cause to be issued bonds of the State of Michigan, from time to time, as they may deem necessary, in sums of one thousand dollars each, to be signed by the Governor and countersigned by the Secretary of State and

State Treasurer, with the seal of the State affixed thereto, and with coupons for the interest thereto attached. The principal and interest of said bonds shall be payable in the city of New York. The bonds shall be drawn in favor of the Auditor General, and when endorsed by him, shall become negotiable in such manner as the Governor and State Treasurer shall deem proper. The proceeds of such bonds shall be paid out in no other manner than is provided by law for paying a State bounty to volunteers mustered into the military service of the United States.

Moneys arising from sale of, to be paid into State treasury. How drawn therefrom.

Sec. 3. All moneys arising from the sale of the bonds by this act authorized to be issued, shall be paid into the treasury of the State, to the credit of the war fund, and shall be drawn therefrom upon the warrants of the Auditor General, which warrants may be issued by proper vouchers or estimates of the Quartermaster General of the State, certified by the Governor, for the purpose of paying such State bounty as may be authorized by law.

Bonds to be numbered, and registered.

Sec. 4. The bonds issued under this act shall be numbered and registered in a book provided for that purpose, and kept in the Auditor General's office, and also in a book kept in the State Treasurer's office, which registers shall contain the number and amount of such bonds, the rate of interest thereon, and when payable. Whenever any bond shall be paid, the same shall be immediately canceled by the Treasurer or other person paying the same, with a canceling hammer. The Auditor General shall also keep a full record of all the bonds taken up and paid, in a book provided for that purpose; and immediately after the record shall have been made as aforesaid, the bonds so paid shall also be canceled, by writing across the face of each, which cancelment shall be signed by the Auditor General and State Treasurer, and said bonds, thus canceled, shall be filed in the office of the Auditor General.

Cancelment of, when paid.

Record of.

Faith of the State pledged.

Sec. 5. The faith of the State is hereby pledged for the payment of principal and interest of the bonds which may be issued under the provisions of this act.

Sec. 6. If any part of the bonds herein provided for are issued previous to January first, A. D. eighteen hundred and sixty-seven, the State Treasurer is hereby authorized to pay the interest coupons maturing before or at that time, out of any money in the treasury not otherwise appropriated, and charge the amount so paid to the war fund.

Approved March 21, 1865.

[No. 296.]

AN AOT to incorporate the village of Marine, in the county of St. Clair, and to define the boundaries thereof.

SECTION 1. *The People of the State of Michigan enact, That* all that district of country in the county of St. Clair, in the State of Michigan, described as follows, to wit: commencing at the north-east corner of fractional section number six, in township number three north, of range number seventeen east, at the north-east corner of said township, on the margin of St. Clair river; thence west on the north line of said township number three north, to the centre of Belle river; thence south-easterly down the centre of said river to the junction of Belle river and the river St. Clair; thence north-easterly up the west margin of the river St. Clair, to the place of beginning, embracing within said boundary, all that part of fractional sections numbers one and twelve, town three north, of range number sixteen east, lying east of Belle river, and also all that part of fractional section number six, in town number three north, of range number seventeen east, and also the water in St. Clair river in front of said limits, is hereby constituted and declared a body corporate, under the name and title of the village of Marine, in the county of St. Clair.

Sec. 2. It shall and may be lawful for the legal voters of the territory above limited and described, to meet at James Shafer's hotel, in the village of Newport, on the first Tuesday of April, eighteen hundred and sixty-five, at nine o'clock in the forenoon,

and then and there, by a majority of votes, proceed to organize said village corporation, under the provisions of the general laws for the incorporation of villages, as set forth in chapter seventy-two of the compiled laws, and the acts amendatory thereto.

Judges and
clerk of
election.

Sec. 3. At the election to be holden under this act, there shall be chosen *viva voce*, by the electors present, two judges and a clerk of said election, who shall each take an oath or affirmation, faithfully to discharge the duties required of him by this act.

Terms of
officers first
elected.

Sec. 4. The officers first elected under this act, shall hold their office until the first Tuesday of March following their election,

Annual elec-
tions.

and until their successors are duly elected and qualified, and all subsequent elections shall be holden on the first Tuesday of March in each year, at such place in said village as shall be designated by the board of trustees.

Sec. 5. This act shall take immediate effect.

Approved March 21, 1865.

[No. 297.]

AN ACT to appropriate the highway taxes upon certain lands of non-residents in the townships of Orange, Sebawa and Danby, in the county of Ionia, for the purpose of improving the Grand river turnpike in said townships.

Appropriation of high-
way taxes.

SECTION 1. *The People of the State of Michigan enact, That* for the improvement of the Grand river turnpike, running through the townships of Orange, Sebawa and Danby, in the county of Ionia, that all the non-resident highway taxes that shall be assessed upon the non-resident lands, of the sections through which the aforesaid road runs, and each of the sections adjoining the said sections on the south side of said road, be and the same are hereby appropriated for the improvement of said road, for the period of five years from the time this act shall take effect, to be expended as hereinafter provided.

Commissioners.

Sec. 2. That John C. Smith and H. A. Culver, of Ionia county, be and are hereby appointed commissioners to receive such

sums of money as may from time to time be collected under the provisions of this act, and to direct and determine the manner in which the labor or money shall be applied for the improvement of said road.

Sec. 3. Any overseer of highways in any township, in which lies any of the non-resident highway tax, which is hereby appropriated, or any township treasurer thereof, having received any portion of said tax by way of commutation or otherwise, shall on demand of such special commissioners, pay over to them any sum so received, and the receipt of such commissioners, shall release such overseer or treasurer from any further liability therefor.

Commutation money to be paid com'r.

Sec. 4. It shall be the duty of said commissioners to render to the board of supervisors of Ionia county, at their annual session, a true account of all moneys received by them, and the application and disbursement thereof.

Annual report of commissioners.

Sec. 5. It shall be the duty of said commissioners to appropriate all the moneys arising in either of said towns, within the township from which it arose, upon that portion of said road running through said township, and not otherwise, unless ordered by the commissioners of highways of said township.

Apportionment of money

Sec. 6. Before the special commissioners shall draw any money by virtue of this act, they shall give a bond to the county treasurer of the county of Ionia, with one or more sureties, to be approved by said county treasurer, and in such amount as said treasurer shall direct, conditioned for the faithful performance of the duties imposed on them by the provisions of this act, which bond shall be filed with the county clerk of the county of Ionia.

Bond of commissioners.

Sec. 7. Said special commissioners shall receive as compensation for their services, not exceeding two dollars per day each, while actually engaged, which amount shall be audited and allowed by the board of supervisors of Ionia county, and paid out of the fund created by this act; and the said board of supervisors shall require said commissioners to verify their accounts by oath or affidavit.

Compensation of.

Vacancies,
how filled.

Sec. 8. In case the special commissioners appointed shall neglect or refuse to serve, or in case a vacancy shall occur by death, removal or otherwise, the judge of probate of Ionia county shall have power, and by virtue of this act shall appoint a commissioner to fill such vacancy, and such appointment shall be certified in writing by the judge of probate, and filed in the office of the county clerk of Ionia county; and whenever such vacancy shall occur, the said judge of probate shall proceed at once, or without unnecessary delay, to appoint a commissioner to fill said vacancy; the commissioner so appointed shall be required to give bonds in like manner, and have the same powers, as the commissioners appointed by this act.

Sec. 9. This act shall take immediate effect.

Approved March 21, 1865.

[No. 298.]

AN ACT to amend section one, of act number one hundred and thirty-six, of the laws of eighteen hundred and sixty-three, being "an act to authorize the Auditor General to refund money paid for taxes, and on tax sales in certain cases," approved March eighteenth, eighteen hundred and sixty-three.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section one, of act number one hundred and thirty-six, of the laws of eighteen hundred and sixty-three, be amended so as to read as follows:

When taxes
to be re-
funded.

Sec. 1. That whenever the taxes on any land returned to the office of the Auditor General for non-payment, shall have been paid by the owner of such lands, his agent or attorney, in cases where such land was not subject to taxation at the date of the assessment of such taxes, the Auditor General, on discovering the same, shall, on application of the person entitled thereto, refund the taxes so paid, with interest at seven per cent.: *Provided*, Such application shall be made within four

Proviso.

years from the time this act takes effect, and in case of taxes hereafter paid, within four years after such payment.

Approved March 21, 1865.

[No. 299.]

AN ACT to provide for the incorporation of associations engaged in the publication of newspapers, periodicals, books and other matter.

SECTION 1. *The People of the State of Michigan enact, That* any three or more persons may associate themselves together Associations authorized. for the purpose of procuring intelligence for the newspaper press from all parts of the world, by telegraph or otherwise, upon such terms and conditions, and subject to the liabilities prescribed in this act.

Sec. 2. Such persons shall, under their hands and seals, sign Articles of association. articles of association, in which shall be specified:

First. The name of said association;

Contents of.

Second. The capital stock, and the number of shares into which the same shall be divided;

Third. The purposes for which such association is established;

Fourth. The place where the office of business of said association shall be located;

Fifth. The term of the existence of said association, not to exceed thirty years.

The said articles shall be filed with the Secretary of State, Articles, where filed and recorded. and a copy thereof recorded in the office of the county clerk, where the office of said company is established, and thereupon the said association shall be and the same is hereby declared to be a body corporate, under the name mentioned in such articles of association.

Sec. 3. It shall be competent for the said association to form Power of association. by-laws, to provide therein for the annual election of so many directors, and such other officers and agents as may be deemed expedient by said association, and generally to do any and all things authorized by chapter seventy-three, of the compiled

Stockhold-
ers individ-
ually liable.

How en-
forced.

Stockhold-
ers paying
may recov-
er from
their asso-
ciates.

Increase of
capital au-
thorized.

Property
subject to
taxation.

Powers may
be rescind'd
etc.

laws of eighteen hundred and fifty-seven; and the stockhold-
ers of all corporations founded upon this act shall be indi-
vidually liable for all labor performed for such corporations
or associations, which said liability may be enforced against
any stockholders founded on this statute, at any time after an
execution shall be returned not satisfied, against said company:
Provided, always, That if any stockholder shall be compelled by
any such action to pay the debts of any creditor, or any part
thereof, he shall have the right to call upon the stockholders
to contribute their part of the sum so paid by him as afore-
said, and may sue them jointly or severally, or any number
of them, and recover in such action the ratable amount due
from the person or persons so sued.

Sec. 4. The said association may, at a meeting called for
that purpose, increase their capital, but never to exceed the
sum of five hundred thousand dollars: *Provided,* That all
property of such association shall be subject to taxation,
and shall be used for no other purpose than in the legitimate
business of the association, and to secure the object of its
incorporation.

Sec. 5. The legislature may at any time, for just cause, re-
scind the powers of any corporation created pursuant to the
provisions of this act, and prescribe such mode as may be nec-
essary or expedient for the settlement of its affairs.

Sec. 6. This act shall take immediate effect.

Approved March 21, 1865.

[No. 300.]

AN ACT to legalize the tax roll of the township of Hampton.

Tax roll le-
galized.

SECTION 1. *The People of the State of Michigan enact,* That the
tax roll of the township of Hampton, in the county of Bay, for
the year eighteen hundred and sixty-four, be and the same is
hereby declared as legal and valid, for all purposes whatsoever

as though the action of the people and township board of said township, in raising moneys for war bounties, which are levied on said tax roll, had been duly authorized by law.

Sec. 2. This act shall take immediate effect.

Approved March 21, 1865.

[No. 301.]

AN ACT to regulate the tolls on plank roads in Bay, Clinton, Gratiot and Saginaw counties.

SECTION 1. *The People of the State of Michigan enact, That* all plank road companies now existing, or hereafter to be organized, having plank roads now constructed or hereafter to be constructed, in whole or in part, within the counties of Bay, Clinton, Gratiot and Saginaw, shall be entitled to charge and receive the following rates of toll, that is to say: at a rate not exceeding four cents per mile for any vehicle, carriage, sled or sleigh drawn by two animals, and two cents per mile for every sled, sleigh, carriage or vehicle drawn by one animal. If any sled, sleigh, carriage or vehicle is drawn by more than two animals, two cents per mile may be added for every such additional animal; for sheep or swine driven over such road, one-half cent per score per mile may be charged; two cents per mile may be charged for each score of neat cattle, led or driven over such road, and for every horse and rider or led horse, two cents per mile: *Provided*, That the provisions of this act shall not apply ^{Rates of toll.} *Provided.* to any chartered company.

Approved March 21, 1865.

[No. 302.]

AN ACT to appropriate swamp lands to the county of Monroe for the purpose of draining swamp, marsh and other low lands.

SECTION 1. *The People of the State of Michigan enact, That* there be and is hereby appropriated three thousand acres of ^{of Appropriation.} *land.*

swamp lands, not otherwise appropriated, to the county of Monroe; said lands to be selected by a commissioner appointed for that purpose by the board of supervisors of said county, and to be disposed of under the direction of the board of supervisors, in draining by ditches, swamp, marsh or low lands, and to be devoted to no other purpose: *Provided*, That the swamp lands to be appropriated according to the provisions of this act be selected from the county of Monroe.

Approved March 21, 1865.

[No. 303.]

AN ACT to repeal section three, and amend section four, of act number forty-nine, of the session laws of eighteen hundred and sixty-four, entitled "an act to authorize the several townships in the counties of Livingston, Oakland, Washtenaw and Wayne, to pledge their credit, and the county of Livingston to raise by tax, or borrow money to aid in the construction of a railroad from some point near the city of Detroit, to Howell, in the county of Livingston," approved February fifth, eighteen hundred and sixty-four.

Section repealed. SECTION 1. *The People of the State of Michigan enact*, That section three, of act number forty-nine, of the session laws of eighteen hundred and sixty-four, be and the same is hereby repealed.

Section amended. SEC. 2. That section four of said act is hereby amended so as to read as follows: .

Securities issued, a valid charge upon the taxable property. SEC. 4. The securities issued or made in pursuance of the provisions of section one of this act, shall be and the same are hereby made a valid and legal charge upon the taxable property of the several townships issuing or making the same; and **Tax for payment of principal and interest** it shall be the duty of the township board of such townships severally to provide by tax for the payment of the principal and interest thereon, as fast as the same shall become due and payable, by the terms thereof.

Approved March 21, 1865.

SECTION 1. *The People of the State of Michigan enact*, That when any person has heretofore set up or shall desire to set up a water-mill on his own land, or upon the land of another, with his consent, and to erect a dam on the same, for working such mill by water, which dam flows or would flow water on to land belonging to any other person, he may obtain right to flow such land, upon the terms and conditions and subject to the regulations hereinafter expressed.

Sec. 2. Any person wishing to flow or who has flowed land as aforesaid, if he cannot agree with the owner or owners, as to the damages to be paid, may bring his petition to the circuit court for the county where the land to be overflowed, or any part of it lies, which petition shall contain such a description of the land to be overflowed, and of the dam, its location and proposed height, as that the record will show with certainty the matter that shall be determined, and shall be served on the respondent according to law requiring service of petitioners in such court.

Sec. 3. The petition, unless the parties thereto shall agree upon the judgment that shall be rendered thereon, shall be heard and decided by a committee of three judicious, disinterested freeholders of the county, to be appointed by the circuit court of the county, at such time and place, and with such notice to those interested as the circuit court shall order; and if such committee shall be of opinion that the flowing such land in the manner proposed is or will be for public use, they shall establish the height to which such dam may be built or kept, and thereby the water raised, the length of time or period during which the same may be kept up in each year thereafter, and shall assess the sum to be paid to the respondent by the petitioners for the right to flow such land according to their report, and make return of their doings to the court; and in estimating the damages they shall take into account any dam-

age occasioned to any other land of the respondent, as well as damage to the land overflowed, and having assessed such damage, shall make return of their doings to said circuit court, and said court shall add fifty per cent. to said sum as the sum to be paid for such right to flow such land.

Dam not to
be erected
to damage
of any mill
site.

Sec. 4. No such dam shall be erected to the injury of any mill lawfully existing, either above or below it on the stream, or the injury of any mill site, whether a mill or mill-dam shall have been lawfully built and used thereon or not.

Objections
to report of
committee.

Sec. 5. Upon the return of the report of the committee of their doings, any person interested therein may object to the acceptance of the same, for any irregularity or improper conduct, and the court may, for such cause, set it aside, and order a rehearing; but if the court accept and establish the same, it shall be final and conclusive in the matter, except upon the question of damages; and said court may set aside the report of the committee, for any cause which to said court may appear just and reasonable, and if required, shall inquire for itself whether the erection of such dam is for the public use or not, notwithstanding any finding of the committee; and if the court is of opinion that the erection of said dam is not for the public use, the petition shall be dismissed.

Court may
set aside
the report.

Jury to re-
assess dam-
ages.

Sec. 6. Either party may move for a jury to reassess the damages reported by the committee, and the court shall order the same, to consist of the same number, and to be drawn in the same manner, and the proceedings attending their action shall be conducted in the same manner as when a jury is sent out by such court to "appraise lands for railroad purposes;" and the said court shall add fifty per cent. to the amount by said jury assessed, for the value of the land, as the measure of damages to be paid for flowing the land described in the petition.

Objections
to accep-
tance of re-
port of.

Sec. 7. Upon the return of the doings of such jury, any person interested therein may object to the acceptance of the same, and for any irregularity or improper conduct, the court

may set it aside and order a rehearing; but if the court accept such return, it shall be final in the matter of damages.

Sec. 8. If the petitioner shall move for a jury, he shall pay ^{Costs of application and hearing.} the costs of the application and hearing, whether the jury shall raise the damages assessed by the committee or not; and if the jury shall not lessen such damages, he shall pay costs to the respondent; but if they do lessen the damages he shall pay no costs to the respondent; if the jury shall raise the damages, the whole costs of the application and hearing shall be taxed against the petitioners, and the court, on motion, may require bonds for costs to the adverse party from the petitioners, at any stage of the proceedings, and on motion, from respondent to petitioner, if the respondent shall move for a jury.

Sec. 9. The assessment of damages made as aforesaid, shall ^{Assessment of damages final.} be final and conclusive on the parties, their heirs and assigns, and give the petitioner, his heirs and assigns forever, the right to keep up such dam according to the manner established: *Provided*, The damages assessed and costs be paid the respondent, or deposited with the treasurer of such county where the proceedings are had, for such respondent, before the water is flowed on to such lands, and within sixty days after proceedings on said petition are ended; and if such damages and costs are not so paid or deposited, the whole proceedings shall become void and of no binding force in the law.

Sec. 10. When any owner of any water mill heretofore, or ^{Provisions for raising dams.} which may hereafter be erected, shall desire to raise his dam, he may do so in the same manner, and subject to the same conditions, as are above provided for erecting dams for flowing land.

Sec. 11. The fees and expenses of the petition shall be paid ^{Fees and expenses.} by the petitioners, except as is especially provided above, and shall be the same as are taxed for like services under the laws of this State.

Sec. 12. The provisions of this act shall not apply to any ^{Limitation of foregoing privileges.} portion of this State lying south of range number eight north,

nor to that portion of this State lying east of Saginaw county and south of Saginaw bay.

Sec. 13. This act shall take immediate effect.

Approved March 21, 1865.

[No. 305.]

AN ACT to amend section thirteen of an act entitled an act relative to laying out, altering and discontinuing highways, being act number one hundred and sixty-three, of the session laws of eighteen hundred and sixty-one.

Section
amended.

SECTION 1. *The People of the State of Michigan enact, That* section thirteen, of act number one hundred and sixty-three, of the session laws of eighteen hundred sixty-one, be and is hereby amended so as to read as follows:

Hearing
proof and
allegations.

Sec. 13. The said township board or boards shall proceed at the time and place specified in the notice, to hear the proofs and allegations of the parties in respect to the necessity of laying out, altering or discontinuing such highway, or the award

Decision
final.
Shall be in
writing.

of damages, and their decision shall be conclusive and final; such decision shall be reduced to writing, and signed by the board or boards making the same, and filed in the office of the township clerk: *Provided, That* if the decision, appraisal and award of the commissioner from which the appeal is taken, be confirmed, or if the award of damages shall be diminished, then in either case the appellant shall pay the whole amount of costs of such appeal, said costs to be ascertained and determined by said board or boards, and deducted from the amount of damages awarded.

Costs.

Approved March 21, 1865.

AN ACT to authorize the townships in the counties of Kalamazoo, Van Buren, Allegan, Kent and Ottawa, to aid in extending the Schoolcraft and Three Rivers railroad from Schoolcraft to Allegan, and to Grand river.

SECTION 1. *The People of the State of Michigan enact, That* it shall be lawful for the townships in the counties of Kalamazoo, Van Buren, Allegan, Kent and Ottawa, or any of them, to ^{Loan or donation authorized.} aid by loans or donations, in the extension of the Schoolcraft and Three Rivers railroad, from Schoolcraft, by way of Paw Paw, to Allegan, and to some point on Grand river, to an ^{Amount.} amount not exceeding five per centum of the assessed valuation for the time being, of the personal and real property in such townships respectively, at any special township meeting called for that purpose, as hereinafter directed.

Sec. 2. It shall be the duty of the clerk of any of said townships, to call a meeting of the taxable property-holding electors thereof, on the written or printed request of fifteen freeholders of his township, which request shall specify the amount to be raised, the mode of raising it, the rate of interest, which shall not exceed seven per cent. per annum, the time of payment, and such other matters as may be deemed for the interest and security of the township; and in posting notices according to law, he shall also, with each notice, post the request upon which the meeting is called. The questions submitted to the electors shall be those contained in the call for the meeting, and those ^{Questions submitted to meeting.} who vote in the affirmative shall vote a ballot on which is written or printed, "aid for railroad—yes;" and those who vote in the negative shall vote a ballot on which is written or printed, "aid for railroad—no." The meeting shall be conducted in ^{How conducted.} the same manner as annual meetings are conducted, and the result shall be certified by the board of inspectors and filed in the office of the clerk.

Sec. 3. If it shall be determined at such meeting to aid in the construction of said road, it shall be the duty of the supervisor and clerk, by the direction of the township board, to loan ^{Duty of supervisor and clerk.}

money, to execute bonds or other sureties, to require sureties from the railroad company, and to do all other acts necessary to comply with such determination; and all moneys or sureties accruing to said township, under this act, shall be deposited with the treasurer thereof, and held by him until delivered up upon proper authority, or to his successor in office: *Provided*, That the amount of bonds which shall fall due in any one year, shall not exceed two per centum of the assessed valuation of such township at the time of issuing the same.

Moneys, etc.
to be depos-
ited with
treasurer.

Proviso.

Tax for pay-
ment of
principal
and interest

Sec. 4. The township board of any such township authorized by this act, shall have power, and it shall be their duty to raise by tax or otherwise, such sum or sums of money as shall be sufficient, from time to time, to pay the principal and interest of said bonds or other obligations, as often as they become

When mon-
eys, etc., to
be paid to
company.

due: *Provided*, That no bonds or other evidences of debt issued under the provisions of this act, or the moneys arising from the sale of the same, or money raised by loan or tax, shall be paid over to or for said railroad company, until the ties are delivered on the line of said road, and the road bed thereof, including all bridges, culverts, cattle guards and road crossings, is fully completed, ready for the iron through the town offering such aid, or the town opposite to or co-terminous therewith:

Bonds not to
be sold for
less than par

Provided further, That no such bonds or other evidences of debt shall be sold for less than their par value by the representatives of the townships issuing the same.

Sec. 5. This act shall take immediate effect.

Approved March 21, 1865.

[No. 307.]

AN ACT making appropriations for the salaries of the State officers, for the years eighteen hundred and sixty-five and eighteen hundred and sixty-six.

Appropri-
ations, 1865.

SECTION 1. *The People of the State of Michigan enact*, That there be and the same is hereby appropriated out of any moneys in the treasury to the credit of the general fund, not otherwise

salary of the Governor, one thousand dollars; for the salaries of the Chief Justice and Associate Justices of the supreme court, two thousand five hundred dollars each; for the salaries of the Judges of the circuit court and the Judge of the recorder's court of the city of Detroit, fifteen hundred dollars each; for the salary of the Auditor General, State Treasurer, Secretary of the State Board of Agriculture, and Superintendent of Public Instruction, one thousand dollars each; for the salary of the Commissioner of the State Land Office, the Secretary of State, and the Attorney General, eight hundred dollars each; for the salary of the State Librarian, five hundred dollars; for the salaries of the deputy State Treasurer, deputy Auditor General, deputy Secretary of State, deputy Superintendent of Public Instruction, and deputy Commissioner of the State Land Office, seven hundred dollars each; for the salary of the private secretary of the Governor, five hundred dollars; for the salary of the book-keeper of the State Land Office, six hundred dollars; for the clerk of the Attorney General, four hundred dollars; for the salaries of the two regular clerks of the Auditor General, six hundred dollars each; for the salaries of all other clerks employed by the Auditor General, a sum at the rate of six hundred dollars a year each; for the salary of the reporter of the supreme court, five hundred dollars; for the salaries of such additional clerks in the State Land Office, State Treasurer's office, and office of the Secretary of State, and office of the Superintendent of Public Instruction, as may be necessary, not exceeding six hundred dollars a year, for the time employed.

Sec. 2. That there be and the same is hereby appropriated out of any moneys in the treasury to the credit of the general fund, not otherwise appropriated, the following sums for the salaries of the State officers for the year eighteen hundred and sixty-six: For the salary of the Governor, one thousand dollars; for the salary of the Chief Justice and Associate Justices of the supreme court, two thousand five hundred dollars each; for the

State officers.

salaries of the Judges of the circuit courts and the Judge of the recorder's court of the city of Detroit, fifteen hundred dollars each; for the salaries of the Auditor General, State Treasurer, Secretary of the State Board of Agriculture, and Superintendent of Public Instruction, one thousand dollars each; for the salaries of the Commissioner of the State Land Office, the Secretary of State, and the Attorney General, eight hundred dollars each; for the salary of the State Librarian, five hundred

deputies.

dollars; for the salaries of the deputy Auditor General, deputy State Treasurer, deputy Secretary of State, deputy Superintendent of Public Instruction, and deputy Commissioner of the State Land Office, seven hundred dollars each; for the salary of the private secretary of the Governor, five hundred dollars;

Clerks, etc.

for the salary of the clerk of the Attorney General, four hundred dollars; for the salary of the book-keeper of the State Land Office, six hundred dollars; for the salaries of the two regular clerks of the Auditor General, six hundred dollars each; for the salaries of all other clerks employed by the Auditor General, a sum at the rate of six hundred dollars a year each; for the salary of the reporter of the supreme court, five hundred dollars; for the salaries of such additional clerks in the State Land Office, State Treasurer's Office, and office of the Secretary of State, and office of the Superintendent of Public Instruction, as may be necessary, not exceeding six hundred dollars each a year, for the time employed.

Appropriations for salaries of military officers, 1866.

Sec. 3. That there be and the same is hereby appropriated out of any moneys in the treasury to the credit of the general fund, not otherwise appropriated, the following sums, for the salaries of the military officers herein named, for the year eighteen hundred and sixty-five: For the salary of the Adjutant General, eighteen hundred dollars; for the salary of the assistant Adjutant General fifteen hundred dollars; for the salary of the Quartermaster General, eighteen hundred dollars; for the salary of the assistant Quartermaster General, fifteen hundred dollars; for the salary of the Inspector General, one hundred

and twenty-five dollars, and such further sum as may be necessary to pay his actual and necessary traveling expenses.

Sec. 4. That there be and the same is hereby appropriated Appropriation, 1866. out of any moneys in the treasury to the credit of the general fund, not otherwise appropriated, the following sums for the salaries of the military officers herein named, for the year eighteen hundred and sixty-six: for the salary of the Adjutant General, eighteen hundred dollars; for the salary of the assistant Adjutant General, fifteen hundred dollars; for the salary of the Quartermaster General, eighteen hundred dollars; for the salary of the assistant Quartermaster General, fifteen hundred dollars; for the salary of the Inspector General, one hundred and twenty-five dollars, and such further sum as may be necessary to pay his actual and necessary traveling expenses.

Sec. 5. This act shall take immediate effect.

Approved March 21, 1865.

[No. 308.]

AN ACT to amend section two hundred and fifty, of chapter one hundred and seventeen, of the compiled laws, relative to justices' dockets.

SECTION 1. *The People of the State of Michigan enact*, That section two hundred and fifty, of chapter one hundred and seventeen, of the compiled laws, shall be altered and amended so Section amended. as to read as follows:

(3902.) Sec. 250. Whenever any township or city clerk shall receive the books and papers of any justice of the peace, as Clerk to deliver books, etc., to some justice. hereinbefore provided, he shall within ten days from the time he receives the same, deliver them over to some other justice of the same township or city, who shall deliver the same over to the justice elected to fill said vacancy, within ten days after the election and qualification of said justice.

Approved March 21, 1865.

[No. 309.]

AN ACT to amend an act to amend an act entitled "an act to provide means for the redemption of the bonds of the State maturing January first, eighteen hundred and sixty-three," approved March eleventh, eighteen hundred and sixty-one, and the act amendatory thereto, approved March eighteenth, eighteen hundred and sixty-three.

Section amended. SECTION 1. *The People of the State of Michigan enact, That* section five, of act number one hundred and thirty-four, of session laws of eighteen hundred and sixty-three, approved March eighteenth, eighteen hundred and sixty-three, be and is hereby amended so as to read as follows:

Money's received to be placed to the credit of the fund. Sec. 5. The amount of money so received and set apart shall be placed to the credit of said fund, on or before the first day of July in each year; and between the said first day of July and the first day of January next thereafter, it shall be the duty of the State Treasurer to use the whole amount thereof in purchasing the bonds hereby authorized to be issued, or in such other bonds of this State, as in his discretion he may find most for the interests of the State to purchase: *Provided, That* the said money shall not be used in the purchase of two million loan bonds, except those which may be first maturing after any of said fund shall come into the treasury.

Treasurer to purchase bonds.

Provide.

Approved March 21, 1865.

[No. 310.]

AN ACT to authorize any of the towns of the counties of Ontonagon, Houghton and Keweenaw, to pledge their credit to aid in the construction of any railroad or State swamp land road that may pass through said counties.

Loan or donation authorized. SECTION 1. *The People of the State of Michigan enact, That* it shall and may be lawful for any of the towns in the counties of Ontonagon, Houghton and Keweenaw, to loan or donate money to any company that is now or may be hereafter organized for the purpose of constructing a railroad that may run

through any part of either of said counties; but the outstanding liability and indebtedness to be incurred for such purpose, shall not at any time exceed five per centum of the assessed valuation of the real and personal property for the time being, of any of the said townships in the counties of Ontonagon, Houghton and Keweenaw, or either of them: *Provided*, That the electors in any of said townships, at a meeting called for that purpose, shall so determine by ballot.

Sec. 2. It shall be the duty of the supervisor of each or any of said townships, upon the written request of thirty of the electors of said township, to call a meeting of the electors thereof, for the purpose of submitting the question of making such loan or donation, notice thereof to be given by posting of handbills in any such township ten days prior to said meeting, in at least six public places in such town, and the advertisement of the same in a newspaper published in the county in which such township is situated, for three weeks next prior to such meeting.

Sec. 3. If the electors of any such township shall at such meeting determine to make such loan or donation, and the amount thereof, it shall be the duty of the township board of said township voting to make such loan or donation, and they shall have power to pledge the credit of the township, to raise money to make such loan or donation, at an interest not exceeding seven per centum per annum, and for a period not exceeding ten years, and may issue the bonds of the township therefor: *Provided*, That the amount of bonds which shall fall due in any one year, shall not exceed two per centum of the assessed valuation of such township at the time of issuing the same.

Sec. 4. In case any such township shall so decide to aid in the construction of said railroad, either by loan or donation to any such company, it shall be the duty of the supervisor thereof to assess all necessary taxes that may be required to meet the interest and the principal of any indebtedness thereby incurred:

When bonds etc., to be delivered to company.

Provided, No bonds or other evidences of debt shall be issued under the provisions of this act, or the money arising from the

sale of the same, or money raised by loan or tax, shall be paid over by the board of any township, to or for any railroad company until the ties are delivered on the line of said road, and the road bed thereof including all bridges, culverts, cattle guards, and road crossings in any such township, or adjoining the same are fully completed, the iron laid and the road fully completed ready for the cars: *Provided further*, That no such bonds or other evidences of debt shall be sold for less than their par value by the representatives of the municipality issuing the same.

Bonds not to be sold for less than par.

Sec. 5. This act shall take immediate effect.

Approved March 21, 1865.

[No. 311.]

AN ACT to authorize any of the cities and townships in the counties of Ingham, Eaton and Calhoun to pledge their credit to aid in the construction of a railroad from Lansing to Battle Creek.

SECTION 1. *The People of the State of Michigan enact*, That

Pledge of credit authorized.

it shall and may be lawful for any of the cities and townships in the counties of Ingham, Eaton and Calhoun, to pledge the credit of such city or township to aid in the construction of a railroad from the city of Lansing, in Ingham county, to the city of Battle Creek, in Calhoun county, for such sum or sums,

Amount.

not exceeding five per centum of the assessed valuation for the time being, of the real and personal property in such city or township, as the electors of such city or township shall, at a meeting or meetings called for that purpose, determine; the electors of such cities or townships may also, at such meeting or meetings, determine the terms, conditions, manner of executing securities and other particulars in regard to such pledge of credit, or may empower some city or township officer, or com-

Meeting of electors to determine conditions, etc.

LAWS OF MICHIGAN.

mittee of electors to determine the same; and in case of no such determination or delegation of power to an officer or committee, then the common council of such cities, and the township boards of such townships, shall severally have power to determine all such particulars: *Provided*, That the amount of bonds which shall fall due in any one year shall not exceed two per centum of the assessed valuation of such city or township, at the time of issuing the same.

Sec. 2. It shall be the duty of the mayor of each of said cities, and of the supervisors of each or any of said townships, upon the written request of thirty of the electors of said city or township, to call a meeting of the electors thereof, for the purpose of submitting the question of pledging the credit of such city or township, notice thereof to be given by posting notices in any such city or township, ten days prior to said meeting, in at least six public places in such city or township, and the advertisement of the same in a newspaper published in the county in which such city or township is situated, for three weeks next prior to such meeting.

Sec. 3. In case any such city or township shall decide to pledge their credit to aid in the construction of said railroad, it shall be the duty of the supervisor thereof to assess all necessary taxes that may be required to meet the interest and the principal of any indebtedness thereby incurred: *Provided*, No bonds or other evidences of debt shall be issued under the provisions of this act, or the money arising from the sale of the same, or money raised by tax or loan, shall be paid over by the board of any city or township, to or for any railroad company, until the ties are delivered on the line of the road, and the road bed thereof, including all bridges, culverts, cattle guards and road crossings, in any of such city or township, or adjoining the same, are fully completed, and the iron laid and the road fully completed, ready for the cars: *Provided further*, That no such bonds or other evidences of debt shall be sold for less than their par value, by the representatives of the municipality issuing the same.

Approved March 21, 1865.

[No. 312.]

AN ACT to provide for the payment of the interest on the State debt.

Appropriation.

SECTION 1. *The People of the State of Michigan enact, That* there be and is hereby appropriated out of any moneys in the treasury to the credit of the general fund, for each of the years eighteen hundred and sixty-five and eighteen hundred and sixty-six, the sum of two hundred and eighty-four thousand dollars, for the payment of interest on the renewal loan, the two million loan and the war loan, for which the faith of the State is pledged, if so much shall be required; if not, the balance shall be and the same is hereby appropriated to the payment, from time to time, of the principal of the war loan, in the manner provided in an act entitled "an act authorizing a war loan," approved May tenth, A. D. eighteen hundred and sixty-one.

Approved March 21, 1865.

[No. 313.]

AN ACT respecting the estates of non-resident wards.

Removal of property of ward authorized

SECTION 1. *The People of the State of Michigan enact, That* in all cases where any guardian and his ward may both be non-residents of this State, and such ward may be entitled to property of any description in this State, such guardian on producing satisfactory proof to the probate court of the proper county, according to the acts of Congress in such cases, that he has filed his bond, signed by good and sufficient surety or sureties in the proper court in the State in which he and his ward reside, in double the amount of the value of the property of his said ward, conditioned to account for all the property of said ward, which shall come into his hands, and for the faithful performance of his duty as such guardian, and it is found that a removal of the property will not conflict with

the terms and limitations attending the right by which the ward owns the same, then any such guardian may demand and sue for, and remove any such property to the place of residence of himself and ward.

Sec 2. When such non-resident guardian shall produce to the probate court of the proper county in this State, exemplified copies of his guardianship bonds, containing provisions and conditions as provided in the foregoing section, and of his letters of guardianship, and a certificate from the judge of the court by which he has been appointed such guardian, that he still remains such guardian in good standing, all of which papers shall be authenticated as required by act of Congress in such cases, such probate court may enter an order discharging any resident guardian, or any executor or administrator who has completely closed his duties pertaining to the property of such ward, and authorizing the delivering and passing over of such property to such non-resident guardian, but such non-resident guardian shall give a receipt for such property; to be filed and recorded in such probate court.

Order discharging resident guardian and transferring property to non-resident guardian.

Approved March 21, 1865.

[No. 314.]

AN ACT to provide for the collection of taxes in the city of Monroe.

SECTION 1. *The People of the State of Michigan enact, That* hereafter, when the assessment rolls of the different wards in the city of Monroe are annually equalized, confirmed and certified by the board of supervisors, as is by law now provided, and when the assessor of each ward of said city shall have made a copy of the assessment roll of his ward, and shall have extended the taxes thereon, with the addition of the per centage for collecting the same, and shall have annexed a warrant thereto, directed to the proper ward collector, in accordance with the statute in such case made and provided, instead of

Tax roll to be delivered to county treasurer.

delivering such tax roll to the collector of his ward, the assessor shall deliver said tax roll to the treasurer of the county of Monroe, together with the warrant thereto annexed, on or before the first Monday of December in each year.

**Treasurer
to give no-
tice thereof.**

**Treasurer
to receive
taxes.**

Sec. 2. The county treasurer, upon the receipt of said rolls, shall immediately give notice that the same are deposited in his office, and that the taxes thereon may be paid to him, less the per centage for collection, until December thirty-first of that year; which notice shall be given by publishing the same in one or two newspapers printed in said city, for three successive weeks, the expense of which publication shall be audited and paid by the city of Monroe, like other charges; and during the time said rolls are hereby required to remain in his hands, the county treasurer shall receive any taxes thereon from any person applying to pay the same, less the per centage added for collection, and shall give his receipt for every tax so paid, and shall mark the same as paid upon the tax roll, and shall account for the money so received by him upon any tax roll, and allow the same to the collector of the proper ward, on his settlement with him, when he makes his final return of his tax roll.

**Tax rolls to
be delivered
to collectors**

Sec. 3. On the thirty-first day of December in each year, or as soon thereafter as the collectors' bonds shall have been filed and approved, it shall be the duty of the county treasurer to deliver to the collectors of the several wards of said city, his appropriate tax roll and warrant for collection, taking their respective receipts therefor.

**Duties and
powers of
collectors**

Sec. 4. The collectors of said wards, respectively, shall give official bonds in the same manner, shall have the same powers, and perform the same duties in the collection and return of taxes, as are by the tax laws of the State conferred upon and required of township treasurers, so far as the same are not inconsistent with the provisions of this act, except that they shall collect no taxes which have been paid to the county treasurer.

Approved March 21, 1865.

[No. 315.]

AN ACT to declare certain abstracts of the records of the county of Kent public records.

Whereas, A large portion of the records of the county of Kent were destroyed by fire in the year eighteen hundred and sixty;

And whereas, An abstract of said records had previously been made, under the direction of Leonidas Scranton, formerly register of deeds of said county;

And whereas, The said abstract has been purchased by the board of supervisors of the aforesaid county, and is now deposited in the office of the register of deeds of said county, as the property thereof;

SECTION 1. *The People of the State of Michigan enact*, That the said abstract be and the same hereby is declared to be and established as a public record, and in all the courts in this State, and in all suits and proceedings therein, and before all officers of this State, having jurisdiction in such suits and proceedings, and shall be *prima facie* evidence of the matters therein stated, and shall have the same virtue and effect as by present provisions of law, the records of the office of register of deeds do possess. Public record.

Approved March 21, 1865.

[No. 316.]

AN ACT to amend an act entitled an act to authorize Julia A. Grougan to assign a certain land certificate, approved March twentieth, eighteen hundred and fifty.

SECTION 1. *The People of the State of Michigan enact*, That Julia A. Grougan, widow of John Grougan, deceased, be and she is hereby authorized to sell and assign to any person, the certificate of sale issued at the State Land Office, of the south-east quarter of the north-west quarter of section number sixteen, in town one north, of range three east, in the county of Conveyance authorized.

Proviso. Livingston: *Provided*, That such assignment shall not be of any effect unless the judge of probate of the said county of Livingston shall certify on the back of said certificate his approval of the same: *Provided further*, That before the said Julia A. Grougan shall sell and assign the said certificate, she shall execute and deliver to the said judge of probate of the said county of Livingston, a bond, in such penalty as the said judge shall direct, conditioned that she, the said Julia, will invest the proceeds of such sale in other real estate, or in some productive stock, or put the same at interest for the benefit of the heirs of said John Grougan, deceased.

Approved March 21, 1865.

[No. 317.]

AN ACT to amend an act entitled "an act to provide for the incorporation of associations for the publication of periodicals, newspapers, books, tracts, documents and other publications.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That sections three and four of an act of the legislature of Michigan, entitled "an act to provide for the incorporation of associations for the publication of periodicals," approved March seventh, eighteen hundred and sixty-one, be amended so as to read as follows:

Body corporate.

Powers of.

Property taxable.

Sec. 3. Upon compliance with the provisions of the preceding section, such association shall be and is hereby declared a body corporate, empowered to hold and possess so much real estate purchased by it, or that may be given, granted or devised to it as a corporation, in accordance with the provisions of law at the time such grant or devise shall take effect, as may be necessary for its use and occupation for the purposes of business, also personal property not exceeding one hundred thousand dollars: *Provided*, That all property of such association shall be subject to taxation and shall be used for no other pur-

poses than in the legitimate business of the association, and to secure the object of its incorporation.

Sec. 4. Any association heretofore organized under the laws of this State, for the purposes above mentioned, or that may be organized under this act, may enlarge its capital stock by a vote of its stockholders, and such enlargement shall take effect upon filing a certified copy of the resolution of such stockholders, in the office of the Secretary of State, and of said county clerk.

Enlargement of capital stock authorized.

Approved March 21, 1865.

[No. 318.]

AN ACT to fix the term of office and confirm the powers of the board of control of railroads.

SECTION 1. *The People of the State of Michigan enact*, That the board of control of railroads, created by the provisions of section eight, of act number one hundred and twenty-six, of the session laws of eighteen hundred and fifty-seven, being an act disposing of certain grants of lands made to the State of Michigan for railroad purposes, by act of Congress, approved June third, eighteen hundred and fifty-six, be and they are hereby continued and perpetuated, until abolished by act of the legislature.

Powers continued.

Sec. 2. The term of office of the commissioners, constituting said board of control, shall be four years from the date of their appointment, (unless appointed to fill a vacancy,) and the term of office of the present commissioners shall terminate and expire at the time of the approval by the Governor of this act.

Term of office.

Sec. 3. At the expiration of said term as established by this act, six commissioners shall be nominated by the Governor and confirmed by the Senate, who with the Governor, shall constitute said board of control, whose duty it shall be to manage and dispose of all lands appropriated for the construction of railroads as provided in act number one hundred and twenty-

Appointment of com'r.

Board of control, powers of.

six, of session laws of eighteen hundred and fifty-seven, and all acts amendatory thereto, and to do any and all other acts necessary and proper respecting the construction of said railroads which shall be prescribed by law; the Governor shall be ex-officio the president of said board, and any vacancies that may occur between the sessions of the Legislature, by death, resignation or otherwise, shall be filled by the Governor until the first meeting of the legislature after such vacancy shall occur.

Compensation.

How paid.

Sec. 4. The commissioners shall receive four dollars per day and necessary expenses for each day that they shall be actually employed in the duties of their office; the amount of such allowance and expenses shall be apportioned among the different companies in such a manner as the board shall deem equitable, and shall be paid by the several companies, from time to time, as the board may direct; and all acts of the said board of control, in the exercise of the general powers of transfer, supervision and control, heretofore conferred by law, are hereby ratified and confirmed.

Acts repealed.

Sec. 5. All acts and parts of acts contravening the provisions of this act, are hereby repealed.

Approved March 21, 1865.

[No. 319.]

AN ACT to change the name of the Congregational society of Southfield, to First Presbyterian society of Southfield.

Name changed.

SECTION 1. *The People of the State of Michigan enact, That the corporate name of the Congregational society of Southfield, in the county of Oakland, be and the same is hereby changed, and that hereafter the corporate name thereof shall be the First Presbyterian society, of Southfield.*

Property transferred.

Sec. 2. All the property, powers, duties, trusts and obligations of every kind, possessed by or pertaining to the original corporation, are hereby transferred to and vested in the said corporation hereafter to be known as the First Presbyterian society, of Southfield: *Provided, All dues, demands, contracts*

Proviso.

and liabilities of said Congregational society, of Southfield, shall be and remain in full force against the said First Presbyterian society, of Southfield, the same as though such liabilities had been originally incurred by said society under the name herein authorized.

Approved March 21, 1865.

[No. 320.]

AN ACT to change the name of Spencer Wetherby to Spencer Ward.

SECTION 1. *The People of the State of Michigan enact, That the name of Spencer Wetherby, the adopted son of Thomas Ward, of the township of Fabius, in the county of St. Joseph, be and the same is hereby changed to Spencer Ward.*

Approved March 21, 1865.

[No. 321.]

AN ACT to repeal an act entitled an act to provide for the payment of unliquidated swamp land road contracts, approved March twentieth, eighteen hundred and sixty-three.

SECTION 1. *The People of the State of Michigan enact, That an act entitled "an act to provide for the payment of unliquidated swamp land road contracts," approved March twentieth, eighteen hundred and sixty-three, be and the same is hereby repealed.*

Sec. 2. This act shall take immediate effect.

Approved March 21, 1865.

[No. 322.]

AN ACT to amend section eight hundred and twenty-three, of the compiled laws, the same being section forty-one, of chapter seventeen, of the compiled laws, entitled "an act to provide for assessing property at its true value, and for levying and collecting taxes thereon.

Section
amended.

SECTION 1. *The People of the State of Michigan enact, That* section eight hundred and twenty-three, of the compiled laws, the same being section forty-one, of chapter seventeen, of the compiled laws, entitled "an act to provide for assessing property at its true value, and for levying and collecting taxes thereon," be amended so as to read as follows:

Notice of
sale.

Sec. 41. The treasurer shall give public notice of the time and place of sale, and of the property to be sold, at least five days previous to the sale, by advertisement, to be posted up in three public places in the township where such sale shall be made, and the sale shall be by public auction.

Approved March 21, 1865.

[No. 323.]

AN ACT to amend certain sections of an act, entitled "an act to repeal chapter one hundred and twenty-two, of the revised statutes of eighteen hundred and forty-six, and the amendments thereto, and provide for the collection of demands against water-craft," approved February fifth, eighteen hundred and sixty-four.

Section
amended

SECTION 1. *The People of the State of Michigan enact, That* section two of an act entitled "an act to repeal chapter one hundred and twenty-two, of the revised statutes of eighteen hundred and forty-six, and the amendments thereto, and provide for the collection of demands against water-craft," approved February fifth, eighteen hundred and sixty-four. be and the same is hereby amended so as to read as follows:

Water craft
subject to
lien.

Sec. 2. Every water-craft of above ten tons burthen, used or intended to be used in navigating the waters of this State, shall be subject to a lien thereon:

First For all debts contracted by the owner or part owner, master, clerk or steward of such craft, on account of supplies and provisions furnished for the use of said water-craft; on account of work done or services rendered on board of such craft by seamen, or any employee other than the master thereon; on account of work done or materials furnished by mechanics, tradesmen or others, in or about the building, repairing, fitting, furnishing or equipping such craft: *Provided*, That when labor shall be performed, or materials furnished as aforesaid, by a sub-contractor or workman, other than an original contractor, and the same is not paid for, said person or persons may give the owner or his agent timely notice of his said claim, and from thenceforth the said person shall have a lien upon said water-craft, pro rata for his or their said claims, to the amount that may be due by said owner to said original contractor for work or labor then done on said water-craft;

For supplies and provisions.

Work or materials.

By sub-contractors.

Second. For all sums due for wharfage, anchorage or dock hire, including the use of dry-docks. The lying immediately in front of, or attached to any wharf, dock or pier within this State, so as to prevent the use of such wharf or dock by other water-craft with or without the dockage of freight or passengers across such wharf, dock or pier, after a notice to leave, shall be an evidence of an agreement to pay for such use whatever the same may be worth;

Wharfage, etc.

Third. For sums due for bottomry, salvage, tonnage, [towage,] insurance, labor at pumping out or raising when sunk, and for general average, whether in whole or in part within this State.

Bottomry, etc.

Sec. 2. Section ten of said act be and the same is hereby amended so as to read as follows:

Section amended.

Sec. 10. Any person having any interest in, or claim against the water-craft seized, may intervene to protect such interest or collect such claim by filing a complaint as hereinbefore provided, entitled an intervening complaint, and the complainant or any other person interested, may defend any complaint by filing an answer as hereinafter provided, and giving security

Intervening complaint.

Issue of
summons.

to the satisfaction of the court to pay any costs arising from such defense; and upon filing any such intervening complaint, a summons as hereinbefore provided shall issue; and if the same shall be returned not served, notice by publication shall be given as aforesaid; and several intervening complaints may be united with each other, or the original, in one notice, providing that due filing of one intervening complaint shall be deemed the commencement of a separate suit, except that but one entry fee need be paid.

Section
amended.

Sec. 3. Section thirteen of said act be and same is hereby amended so as to read as follows, viz:

Writ of res-
titution.

Sec. 13. The master or any person interested in such water-craft so seized as aforesaid, may at any time before judgment or decree of sale shall be made, as hereinafter provided, apply to the clerk issuing the warrant, for a writ of restitution. Said writ shall command the sheriff or other person holding the same, to restore such water-craft to the person in whose possession the same was found when seized, or his authorized agent, and may be served by any person.

Section
amended.

Sec. 4. Section twenty of said act be and the same is hereby amended so as to read as follows:

Demur or
answer,
when filed.

Sec. 20. Within ten days after service of a copy of complaint, unless on cause shown, further time shall be allowed by the circuit judge, or circuit court commissioner of the proper county, the party defending shall demur or file his answer upon oath or affirmation, or his default may be entered and judgment rendered against him as upon similar actions. The answer shall be full and distinct to each article and allegation of the complaint, but such answer shall not have the effect of a sworn answer in chancery, as evidence, nor shall it be necessary to answer any allegation or interrogatory, (as provided in the next section,) involving a liability to prosecution or punishment, or for a penalty or forfeiture.

Answer to
be full.

Effect of.

Section
amended.

Sec. 5. Section thirty-three of said act be and the same is hereby amended so as to read as follows:

. Sec. 33. The sum delivered by the sheriff to the clerk as aforesaid, shall be distributed by the court, upon motion of any party in interest, of record prior to the sale, and due notice to the other parties, and after the following manner: Distribution of proceeds of sale.

First. The costs accruing upon all complaints filed before sale, and on which judgment or decrees are or may be there-after rendered in favor of the complainant;

Second. Salvage;

Third. Seaman's wages;

Fourth. All other claims filed prior to sale, and on which decree or judgment may be rendered in favor of complainant, in the order in which they were filed.

Sec. 6. Section thirty-four of said act be and the same is hereby amended so as to read as follows: Section amended.

Sec. 34. Any portion of the sum so paid by the sheriff to the clerk, or of a deposit remaining after such distribution as aforesaid, shall be denominated surplus proceeds, and when any claim or complaint shall be filed against the same, as provided in section eleven of this act, distribution shall be directed by the court after decrees or judgment, upon motion, and notice as provided in the last section, and after the following order: Surplus proceeds.

First. All costs upon claims passing into decree, which were filed after sale;

Second. All other liens enforceable under this act against the water-craft prior to sale, in the order in which they were filed;

Third. All claims upon mortgages of such water-craft, or other encumbrances created by the owner, in proportion to the interest they cover, and priority;

Fourth. The owner.

Sec. 7. Section forty-seven of said act be and the same is hereby amended so as to read as follows, viz: Section amended.

Sec. 47. The proceedings and practice under this act shall be the same as in personal actions at law, except as herein otherwise provided, so far as the same may be applicable, and the depositions of witnesses may be taken for the same causes, in the same manner and with the like effect as in personal actions. Proceedings and practice
Depositions

Forms of
writ.

Costs.

Forms of writ under this act shall be devised by the court in analogy to those in use in such actions, and in case the claimant of such water-craft, or any person interested therein, defending such suit shall prevail, either upon an issue of law or of fact, the court shall render judgment in his favor, for all costs incurred in such said suit, and for all damages which he may have sustained by reason of the seizure of such water-craft, to be assessed by the court or a jury, the same as in personal actions; and the court may render judgment against the complainant and his surety for costs, and in favor of the party interested defending such claim, and execution may issue for the collection of such damages and costs, the same as in personal actions.

Approved March 21, 1865.

[No. 324.]

AN ACT to authorize the several townships in the counties of Ingham, Clinton, Eaton and Ionia, to pledge their credit to raise by tax, or borrow money to aid in the construction of a railroad from the village of Ionia, in Ionia county, to the city of Lansing, in Ingham county.

Pledge of
credit au-
thorized.

Amount.

Electors to
determine
terms, etc.

SECTION 1. *The People of the State of Michigan enact, That it shall and may be lawful for each of the several townships in the counties of Ingham, Clinton, Eaton and Ionia, to pledge their credit to aid in the construction of a railroad from the village of Ionia, in Ionia county, to the city of Lansing, in Ingham county, for such sum or sums, not exceeding five per centum of the assessed valuation for the time being, of the real and personal property in such township, as the electors of such township shall, at a meeting or meetings called for that purpose, determine. The electors of such township may also at such meeting or meetings, determine the terms, conditions, manner of executing the securities, and other particulars in regard to such pledge or credit, or they may empower some township officer or committee of electors to determine the same; and in case of no such determination*

or delegation of power to an officer or a committee, then the several township boards of such townships shall severally have power to determine all such particulars: *Provided*, That the amount of bonds which shall be due in any one year shall not exceed two per centum of the assessed valuation of such city or township, at the time of issuing the same. Amount to become due in any one year.

Sec. 2. It shall be the duty of the supervisor of each of said townships to call such meeting or meetings of the electors of such townships as are hereby authorized, whenever requested in writing to do so, by thirty of the tax-paying electors of such township, and to give public notice thereof at least ten days previous to holding such meetings, by posting the same in five of the most public places in each of said townships, and the advertisement of the same in some newspaper published in the county wherein such township shall be. At such meeting, the township inspectors of election, if present, shall act as inspectors of election. The voters shall vote by ballot, and shall be subject to challenge, as at other township elections; and the proceedings at such meeting to be held under this act, shall be governed in all respects by the general laws of this State relating to township elections, so far as the same may be applicable, and illegal and fraudulent voting shall be punishable in the same manner and to the same extent as at other township elections. Supervisor to call meetings of electors. Notice thereof. Inspectors. Proceedings at meeting.

Sec. 3. The securities issued or made in pursuance of the provisions of section one of this act, shall be and the same are made a valid and legal charge upon the taxable property of the several townships issuing or making the same; and it shall be the duty of the township board of such townships, severally to provide by tax for the payment of the principal and the interest thereon, as fast as the same shall become due and payable by the terms thereof. Securities issued a legal charge. Tax for payment of principal and interest.

Sec. 4. No bonds or other evidences of debt shall be delivered to the treasurer of any township, city or village, for any railroad company, until all the terms and conditions required by the vote of the townships, cities or villages, or the proper When bonds to be delivered to treasurer.

Bonds not
to be sold
for less than
par.

When mon-
eys, etc., to
be paid com-
any.

authorities, shall have been fully complied with: *Provided, That* no bond or other evidences of debt issued under the provisions of this act, shall be sold for less than their par value, nor said bonds or other evidences of debt, or the moneys arising from the sale of the same, be delivered or paid over to said railroad company, until the ties shall be furnished and delivered on the line of the road, and the road bed thereof, including all bridges, culverts, cattle-guards and road-crossings, shall be fully completed ready for the iron, within the limits of the municipalities rendering such aid, or within the municipalities opposite to and co-terminus with the municipalities rendering such aid.

Sec. 5. This act shall take immediate effect.

Approved March 21, 1865.

[No. 325.]

AN ACT to amend an act entitled "an act to revise the charter of the city of Detroit," approved February fifth, eighteen hundred and fifty-seven, as amended by the several acts amendatory thereof.

Section
added.

SECTION 1. *The People of the State of Michigan enact, That* there shall be added to chapter five of an act to revise the charter of the city of Detroit, approved February fifth, eighteen hundred and fifty-seven, as amended by the several acts amendatory thereof, to stand as section twenty-three, the following words:

Powers of
common
council.
Walls, etc.

Sec. 23. The common council shall have power—

First. To regulate the construction of stone or brick buildings, the thickness of walls and the size of bricks;

Maps, plats
etc.

Second. To adopt, by ordinance or otherwise, such measures as may be deemed expedient to perpetuate the evidence of the title to real estate in said city, by the preservation of maps, plats, records and papers relating thereto, or by duly certified copies of such maps, plats, records and papers, and which, cer-

tified and filed as such ordinances shall prescribe, shall be received in evidence in all courts;

Third. To provide and ordain by ordinance, that whenever ^{Repairing sidewalks.} any sidewalk requires to be built or repaired, the common council, or any alderman, may direct the street commissioner to notify the owner, agent or occupant of any lot in front of, or adjacent to which such walk is required to be built or repaired, to build or repair the same, and that if such agent, owner or occupant shall neglect, for a time to be specified in the ordinance, to do such building or repairing, it shall be the duty of the street commissioner to at once do or cause the same to be done, and the expenses thereof shall be a lien upon the lot, to be assessed therein and collected in a manner to be prescribed in such ordinance, and further to provide that the owner, agent or occupant so neglecting to build or repair, shall be liable to the city for all damages which shall be recovered against the city for any accidents or injuries occurring by reason of such neglect, and also to prosecution in the recorder's court, and on conviction, to be fined not to exceed fifty dollars; and that if the street commissioner neglect, when required to give such notice, or to have such walk built or repaired within such time as such ordinance shall prescribe, he also shall be liable to similar prosecution and fine;

Fourth. To provide and ordain by ordinance, that whenever ^{Tax illegally collected to be refunded.} it shall appear that any taxes or assessments have been illegally assessed or collected, the common council may, by a vote of two-thirds of all members elected, direct and cause the amount so collected to be refunded out of the contingent fund, or in case it has not been collected, to vacate the assessment and fix upon an amount to be received in full of such tax or assessment, and no such action on the part of the council under such ordinance shall in any way affect or invalidate any other tax or assessment assessed, levied or collected in said city;

Fifth. To impose a tax upon all insurance companies who ^{Tax upon insurance companies.} do business and have agencies in said city, and to provide by ordinance for the assessing and collecting of the same, in the

Proviso.

same manner in which other city taxes are collected, and also for compelling the agents or officers of such companies, under penalty of prosecution in the recorder's court, and fine or imprisonment, within a term to be herein prescribed, to deliver to the city assessor a statement, under oath, of the gross amount received by their respective companies for premiums for policies issued during the preceding year upon property: *Provided*, The said tax shall in no case exceed one per cent. upon the amount of such premiums, and that no such tax shall be levied upon premiums for insurance upon property owned and situated without the limits of said city, at the date when such policy issued, or such premium was paid or contracted to be paid; all taxes collected under these provisions shall be credited to the fire department fund, and paid into the same.

Section amended.

Sec. 2. That sections five, six and nine, of chapter seven, as amended, are further amended so as to read as follows:

Selecting jurors.

Sec. 5. Upon the day designated in said resolution, or some other day to be appointed by the court, and on filing a copy of said resolution and affidavit, showing the required publication thereof, the marshal shall attend said court and write down the names of twelve disinterested freeholders, residing in said city, and who shall be approved by the court as such disinterested freeholders and residents, and as qualified to act as such.

Summons of jury.

Sec. 6. Said court shall then issue a writ of summons, commanding the marshal to summon said twelve persons to be and appear in said court, to serve as jurors, on some day to be therein named, which shall not be less than seven days after the issuing thereof. The marshal shall serve such summons at least three days before the return day thereof, and make return in the same manner as in the case of a summons for petit jurors of said court, and the persons thus summoned shall be bound to attend said court and serve until discharged; and said court shall impose upon them a fine not exceeding five dollars for each day's non-attendance in court, or neglect to serve, but they may be exempted and excused by the court from serving.

for the same reasons for which petit jurors may be exempted or excused.

Sec. 9. The first six persons who shall appear as their names are drawn and called by the clerk, or who are called by him when all the ballots have been drawn from the box, and shall be approved by the court as qualified, shall be the jury, and be sworn to discharge their duties faithfully and according to the best of their abilities. Said court shall then instruct said jury as to their duties and the law applicable to the case, and deliver to them a copy of the resolution of the common council, as filed in said court, certified by the clerk of said court; and the city attorney shall give said jury legal advice and counsel concerning their duties, whenever requested.

who to constitute jury.

Instructions to jury.

Sec. 3. That there be and is hereby added to chapter seven, of said revised charter, a new section, to stand as section thirty-eight, as follows:

Sec. 38. In assessing the damages and compensation mentioned and provided for in section eleven, in cases where only a portion or portions of a lot or lots are taken, the court may instruct the jury to, and in case of such instruction, the jury shall determine the benefits or enhanced value that will accrue from the improvements to the portion or portions not taken, and deduct the same from the damages or compensation they would otherwise award to the owner or owners.

Jury to deduct amt of benefit from damages.

Sec. 4. Section twenty-two, of chapter six, of said revised charter, is amended so as to read as follows:

Section amended.

Sec. 22. There shall be a term of said recorder's court once in each month, which shall commence on the first Monday thereof, and may be continued or adjourned from time to time, as long as said court may deem necessary for the transaction of its business; and if, from any cause, the judge of said court shall be unable to hold the same on the first day of a term, or on any other day to which said court is adjourned, the clerk thereof shall have power to open said court and adjourn it from time to time, until the judge shall be able to attend; and in such case all prosecutions, proceedings and matters pending

Terms of recorder's court.

Adjournment and continuance

in said court shall stand continued until such judge can hold said court.

Section
amended.

Sec. 5. Section two, of chapter nine, of said revised charter, as amended, is further amended so that the same shall read as follows:

Assessment
of real and
personal
property.

Sec. 2. The assessor or assessors shall, between the first day of December in each year and the first day of April in the succeeding year, assess all the real and personal property subject to assessment or taxation by the laws of this State, within the limits of each ward respectively, of said city; and the said assessor or assessors shall so discriminate in assessing said tax as not to impose upon the rural portions those expenses which belong exclusively to the built portion of the city, for which purpose the assessor or assessors may, in his or their discretion, distinguish in their assessments what properties are within agricultural or rural portions, not having the benefit of highway, watering, watching and other expenditures for purposes exclusively belonging to the built and densely populated portions of the city; and all lands within said agricultural or rural districts, exclusively used for the purpose of cultivation, pasture, meadow, woodland or farming, may, in the discretion of the assessor, be assessed as farm land at their cash value; and said assessor or assessors shall, within the given period, make out and complete the assessment rolls, one for each ward respectively, in books to be provided for that purpose by the common council, and to be delivered to said assessor on or

Revision of. before the first day of January in each year. The action of the assessor or assessors, shall at all times be subject to the correction and revision of the board of review and the common council of the city of Detroit, as provided for in the charter of the city.

Section
amended.

Sec. 6. Chapter two, section nine, of said charter, shall be amended so as to read as follows:

Members of
common
council inel-
ligible to oth-
er offices.

Sec. 9. No member of the common council shall, during the time for which he was elected, hold any office in the appointment of the mayor or common council, the emoluments or

salary of which shall be paid from the revenue of any taxation or by fees.

Sec. 7. Chapter five, section fifteen, of said charter, shall be amended so as to read as follows: Section amended.

Sec. 15. The common council shall be the judge of the election and qualifications of its own members, and shall have the power to determine contested elections; to fix the compensation of its members: *Provided*, The per diem allowance shall not exceed that of county supervisors; to compel the attendance of absent members; to determine the rules of its proceedings, and pass all by-laws and rules necessary and convenient for the transaction of business, and not inconsistent with the provisions of this act. Common council to be judges of elections.

Sec. 8. Chapter eight, section four, of said charter, shall be amended so as to read as follows: Section amended.

Sec. 4. The common council shall also have power annually to levy, assess and collect taxes, not exceeding forty thousand dollars, on the assessed value of all the real and personal estate in said city, made taxable by the laws of this State, in order to defray the expenses of constructing sewers, and for the purposes for which the sewer fund is constituted as above. Tax for sewer fund.

Sec. 9. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

Sec. 10. This act shall take immediate effect.

Approved March 21, 1865.

[No. 326.]

AN ACT to amend an act entitled "an act disposing of certain grants of land made to the State of Michigan for railroad purposes," by act of Congress, approved June third, eighteen hundred and fifty-six, approved February fourteenth, eighteen hundred and fifty-seven.

SECTION 1. *The People of the State of Michigan enact*, That section twenty-one, of the act entitled "an act disposing of certain grants of land to the State of Michigan for railroad purposes," by an act of Congress approved June third, eigh- Section amended.

teen hundred and fifty-six, approved February fourteenth, eighteen hundred and fifty-seven, be and the same is hereby so amended as to read as follows:

Gauge.

Sec. 21. All the roads constructed under the provisions of this act shall be the same breadth of gauge with the central and southern railroads of this State, except the railroads of the

Flint and
Pere Mar-
quette when
to be com-
pleted.

Upper Peninsula; and the said Flint and Pere Marquette railway company shall construct and complete its road from the city of Flint to Pere Marquette, within five years from the first

Rights and
privileges of
company.

day of June, eighteen hundred and sixty-six; and the said last named company shall have the rights and privileges, and may dispose of the lands granted to aid in the construction of its road, and shall construct the whole line of its road, under and subject to the restrictions, conditions and regulations prescribed and set forth in and by said act of Congress donating said lands, and the resolution of Congress relating thereto, approved February seventeenth, eighteen hundred and sixty-five, and in and by the said act of the legislature of this State, approved February fourteenth, eighteen hundred and fifty-seven, and the acts amendatory thereof.

Approved March 21, 1865.

[No. 327.]

AN ACT to provide for assessing property in certain cases, at any time between the first days of May and October in each year, and for the more speedy collection of taxes in certain cases.

Duty of su-
pervisor or
assessor.

SECTION 1. *The People of the State of Michigan enact, That* whenever any non-resident or transient person or persons, shall, between the first days of May and October in any year, bring into any township, city or village in this State, any merchandise or other property to be used in carrying on the business or occupation of fishing, such merchandise or other property not having been previously assessed for taxation in this State for the then current year, it shall be the duty of the supervisor

or assessor of such township, city or village, to assess such property for taxation in the same manner assessments are usually made, and as if the same had been in the township, city or village, subject to taxation, at the usual time of making the assessments; and it shall be the duty of such supervisor or assessor to make out a separate assessment roll for the taxes to be levied thereon, and present the same to the board of supervisors of the county in which such township, city or village is situate, at their annual meeting in October in each year, whose duty it shall be to immediately equalize the taxation, including said separate assessment roll or rolls; and as soon as the rate of taxation is ascertained, it shall be the duty of each supervisor in whose township the said separate assessment roll may be required, forthwith to make out a separate tax roll from said separate assessment roll, and deliver it to the township, city or village treasurer, who shall proceed at once to collect the said taxes, so assessed under the provisions of this act, according to the law for the collection of taxes, and pay over the amount so collected, in the same manner as other taxes are collected and paid over.

Sec. 2. This act shall take immediate effect.

Approved March 21, 1865.

[No. 328.]

AN ACT to amend an act entitled an act to provide for the erection and maintenance of shutes for the passage of fish through the dams across the streams of this State.

SECTION 1. *The People of the State of Michigan enact, That* an act entitled an act to provide for the erection and maintenance of shutes for the passage of fish through the dams across the streams in this State, approved March sixteenth, A. D. eighteen hundred and sixty-one, be and the same is hereby amended so as to read as follows:

Sec. 2. There shall be erected and maintained in each dam, across any stream which by law is a public highway, within

When board
of super-
visors to erect
shutes.

this State, sufficient and permanent shutes to admit the passage of fish in such stream during the months of April, May and June in each year; and if the owner or occupant of any such dam shall neglect or refuse to construct and maintain such shutes, the board of supervisors of any county, or any three of said board of supervisors of said county, in which such dam is situated, upon complaint being made to them in writing, signed by ten freeholders of said county, shall proceed, within sixty days from the service of such notice, and cause to be erected and maintained such shutes, at the expense of the owner or occupant of such dam, and may recover all the expenses of erecting such shutes from such owner or occupant, by suit, in the name of such board of supervisors, before any court of competent jurisdiction.

Penalty for
obstructing
streams
with fishing
apparatus.

Sec. 3. Whoever obstructs the main channel or course of any river or creek, by placing therein nets or fishing apparatus of any kind whatever, for the purpose of taking or stopping fish of any kind, shall thereby incur, for each offense, a fine not exceeding twenty-five dollars; and in no case shall the said channel or course, so left open, be less than one-third of the whole breadth of the river.

Approved March 21, 1865.

[No. 329.]

AN ACT to authorize certain townships in the State of Michigan to raise money by tax, to refund advances made for bounty purposes.

Electors
may deter-
mine to re-
fund money
advanced,
etc.

SECTION 1. *The People of the State of Michigan enact, That* it shall be lawful for the qualified electors of the township of Nankin, in the county of Wayne, and the township of Delta, in the county of Eaton, to determine by ballot, at any regular township meeting, or at any special meeting regularly called for that purpose, the question of raising money by a tax upon the taxable property of such township, and the amount thereof,

for the purpose of paying bounties to persons who have furnished substitutes, or representative recruits, or to drafted men serving in person in the military service of the United States, or of refunding any sum or sums of money which may have been raised, advanced, contributed, subscribed or loaned by any individual or individuals, for the purpose of paying bounties to volunteers, or procuring enlistments into the said military or naval service of the United States, to fill any quota assigned to such township under any call for troops made since the fifteenth day of July, A. D. eighteen hundred and sixty-four: *Provided*, No money shall be raised as aforesaid, to pay bounties for any enlistments since February fourth, eighteen hundred and sixty-five, unless the same had been previously authorized: *And provided further*, That no more than three hundred dollars shall be raised in any township for each person enlisted and mustered as aforesaid, and credited on the quota of such township. Amount limited.

Sec. 2. It shall be the duty of the township board of any township of said counties, which shall have voted in favor of allowing and paying the claims mentioned in the preceding section of this act, to audit and allow all claims which may be presented for that purpose, for money actually paid as aforesaid, not exceeding in the aggregate the said sum of three hundred dollars to each person, who, not holding a commission, shall be enlisted, mustered and credited as aforesaid, which allowances shall be made in the same manner as other ordinary claims are allowed, upon satisfactory proof that the claim is just and proper; and such claims, when audited and allowed, shall be a lawful charge upon any such township, and be paid in the same manner and on like orders as the ordinary expenses of such township are paid; and the amount of such claim allowed as aforesaid, shall be assessed, levied, collected and paid, in the same manner as ordinary expenses of such township are assessed, levied, collected and paid. Claims to be audited and allowed. How paid.

Sec. 3. This act shall take immediate effect.

Approved March 21, 1865.

[No. 330.]

AN ACT to authorize the Commissioner of the State Land Office to convey certain lands to Cynthia Joslin.

SECTION 1. *The People of the State of Michigan enact,* That the Commissioner of the State Land Office be and he is hereby authorized to give to Cynthia Joslin a certificate of purchase to the north-west quarter of the south-east quarter of section ten, in township five north, of range six west: *Provided,* The said Cynthia Joslin shall surrender to the said Commissioner the certificate already issued on said land to Jessee Martin, and numbered twenty-eight hundred and fifty.

Issue of certificate authorized.

Proviso

Moneys heretofore paid to be credited on certificate.

Sec. 2. The Commissioner of the State Land Office shall credit the said Cynthia Joslin on said certificate, when so issued to her, for all moneys which have been paid on said land by the said Jessee Martin, and the said certificate when so issued shall have the same effect, and a patent shall be issued to the said Cynthia Joslin, in the same manner as in other cases provided by law for the sale of State lands.

Approved March 21, 1865.

[No. 331.]

AN ACT to establish the name of Julia Adell Saxton.

SECTION 1. *The People of the State of Michigan enact,* That the name of a certain female child, adopted by Hiram G. Saxton and Julia E. Saxton, his wife, of Farmington, in the county of Oakland, on the twenty-fourth day of December, eighteen hundred and fifty-eight, be and the same hereby is established as Julia Adell Saxton; and after the passage of this act the said Hiram G. Saxton and Julia E. Saxton shall thereupon stand in the place of parents to such child-in-law, and be liable to all the duties and entitled to all the right of parents thereto; and the said Julia Adell Saxton shall thereupon become their heir-at-law, the same as if their real child.

Name established.

Approved March 21, 1865.

[No. 332.]

AN ACT to amend section one of an act entitled "an act to lay out and construct a road, to be known as the White Rock and Bingham State road." approved February fifth, eighteen hundred and sixty-four. .

SECTION 1. *The People of the State of Michigan enact, That* section one of an act entitled "an act to lay out and construct a road, to be known as the White Rock and Bingham State road," approved February fifth, eighteen hundred and sixty-four, be and the same is hereby amended so as to read as follows: Section amended.)

SECTION 1. *The People of the State of Michigan enact, That* there shall be laid out and constructed by a commissioner, whom the Governor is hereby authorized to appoint, a State road, commencing at White Rock, in the county of Huron, and running on the most eligible route, within one mile of the centre of the townships of Paris and Bingham, where said road passes through said towns, and from thence on the most eligible route, to intersect the Sand Beach and Bay City State road. Construction of road authorized.

Approved March 21, 1865.

[No. 333.]

AN ACT to provide for the drainage and reclamation of swamp lands, by shortening the course and lowering the bed of Bell river, as it passes through sections thirty-three and thirty-four, in the township of Imlay, Lapeer county.

SECTION 1. *The People of the State of Michigan enact, That* there shall be appointed by the Governor, a commissioner, whose duty it shall be to shorten the course and lower the bed of Bell river, as it passes through sections thirty-three and thirty-four, in the township of Imlay, Lapeer county, for the purpose of draining the swamp lands in said township. Governor authorized to appoint a com'r.

Sec. 2. Said work shall be done by said commissioner, under the provisions of act number one hundred and seventy-seven, of the session laws of eighteen hundred and fifty-nine, approved act. Work to be done under provisions of former act.

February twelfth, eighteen hundred and fifty-nine, and the acts amendatory thereto

Appropriation.

Sec. 3. To secure the performance of said work, there is hereby appropriated twelve hundred and eighty acres of State swamp lands, to be expended under the provisions of said act and the acts amendatory thereto: *Provided*, The lands so appropriated shall be selected from the county of Lapeer.

Approved March 21, 1865.

[No. 334.]

AN ACT to provide for the drainage and reclamation of swamp lands, by means of a State road to be known as the Courtland and Muskegon river State road.

Construct'n authorized.

SECTION 1. *The People of the State of Michigan enact, That* there shall be laid out and established, by a commissioner to be appointed by the Governor for that purpose, a State road, commencing at Courtland Centre, in the town of Courtland, in the county of Kent, and running thence northwardly by the nearest and most eligible route, to the Muskegon river, at the point where the Grand Rapids and Big Rapids State road intersects the said Muskegon river, in the county of Mecosta;

Constructed under provisions of former acts.

said road to be laid out and constructed under the provisions of act number one hundred and seventeen, of the laws of eighteen hundred and fifty-nine, and the acts amendatory thereof, and to be known as the Courtland and Muskegon river State road.

Appropriation.

Sec. 2. To secure the construction of said road, there is hereby appropriated an average amount of six hundred and forty acres of State swamp land to the mile of said road, to be selected from the counties through which said road passes.

Approved March 21, 1865.

[No. 335.]

AN ACT to provide for the drainage and reclamation of swamp land, by means of the improvement of the Lamont and Zealand State road, in Ottawa county.

SECTION 1. *The People of the State of Michigan enact, That* there shall be appointed by the Governor, a commissioner, ^{Governor authorized to appoint a com'r.} whose duty it shall be to construct and improve the Lamont and Zealand State road, in Ottawa county.

Sec. 2. Said road shall be constructed and improved under ^{Constructed under provisions of former acts.} the provisions of act number one hundred and seventeen, of the session laws of eighteen hundred and fifty-nine, approved February twelfth, eighteen hundred and fifty-nine, and the acts amendatory thereto; said lands to be selected in Ottawa county.

Sec. 3. To secure the construction of said road, there is ^{Appropriation.} hereby appropriated eight thousand acres of swamp lands, to be expended under the provisions of said act and the acts amendatory thereto.

Sec. 4. This act shall take immediate effect.

Approved March 21, 1865.

[No. 336.]

AN ACT to provide for the drainage and reclamation of swamp lands at the head waters of Rouge river, in the counties of Kent and Newaygo, by means of ditching and deepening the channel of said river.

SECTION 1. *The People of the State of Michigan enact, That* there shall be appointed by the Governor, a commissioner, ^{Governor authorized to appoint a com'r.} whose duty it shall be to superintend the improvements contemplated by this act at the head waters of Rouge river, by means of ditches and deepening the channel of said river in the counties of Kent and Newaygo.

Sec. 2. Said improvements shall be conducted under the provisions of act number one hundred and seventeen, of the session laws of eighteen hundred and fifty-nine, approved February ^{Constructed under provisions of former acts.}

twelfth, A. D. eighteen hundred and fifty-nine, and the acts amendatory thereto.

Appropriation.

Sec. 3. To secure the improvement contemplated by this act, there is hereby appropriated three thousand acres of the swamp lands, said lands to be selected only from the counties of Kent and Newaygo, and from the lands to be benefited by said improvement.

Approved March 21, 1865.

[No. 337.]

AN ACT to amend section one, of act forty-five, of the session laws of eighteen hundred and sixty-four, the same being an act to provide for the drainage and reclamation of swamp land, by means of a State road and ditches, in Sanilac and Huron counties.

Section amended.

SECTION 1. *The People of the State of Michigan enact, That* section one, of act forty-five, of the session laws of eighteen hundred and sixty-four, being an act to provide for the drainage and reclamation of swamp lands, by means of a State road and ditches, in Sanilac and Huron counties, be amended so as to read as follows:

Construction authorized.

SECTION 1. *The People of the State of Michigan enact, That* there shall be laid out and constructed, by a commissioner to be appointed by the Governor, a State road commencing at the village of Davisville, in Sanilac county, thence in a northerly direction, on the most eligible route, to Pinne Pog, in Huron county: *Provided, That* the Governor may appoint a commissioner for that part of the road in Huron county.

Provided.

Approved March 21, 1865.

[No. 338.]

AN ACT to provide for the laying out and establishing a State road from Ferrysburg, in Ottawa county, to the mouth of Black creek, in the county of Muskegon, and to appropriate swamp lands to aid in the construction thereof.

SECTION 1. *The People of the State of Michigan enact*, That there shall be laid out and established, a State road from the village of Ferrysburg, in the county of Ottawa, to the mouth of Black creek, in Muskegon county, via Little Black lake, in said county of Muskegon: *Provided*, That the State shall not be chargeable with any of the expense of laying out and establishing the same, except as hereinafter provided.

Sec. 2. That Peter Jeanot, of the town of Norton, Muskegon county, be and is hereby appointed a commissioner, to lay out and establish said road and to place the same under contract, in accordance with the provisions of act number one hundred and seventeen, of session laws of eighteen hundred and fifty-nine, approved February twelfth, eighteen hundred and fifty-nine, and the acts amendatory thereto.

Sec. 3. For the purpose of aiding in the construction of said road, there is hereby appropriated three hundred and twenty acres per mile of the swamp lands now subject to entry, to be selected from the counties in which said road lies, in proportion to the number of miles in each county, to be selected and reserved in the manner provided in the act before referred to.

Approved March 21, 1865.

[No. 339.]

AN ACT to amend an act entitled "an act to provide for the drainage and reclamation of swamp lands by means of State roads and ditches," approved March fifteenth, eighteen hundred and sixty-one.

SECTION 1. *The People of the State of Michigan enact*, That section one of an act entitled "an act to provide for the drainage and reclamation of swamp lands, by means of State roads and ditches," approved March fifteenth, eighteen hundred and sixty-one, be and is hereby amended.

and ditches, approved March fifteenth, eighteen hundred and sixty-one, be so amended as to read as follows:

SECTION 1. *The People of the State of Michigan enact, That*
 Construct'n
 authorised. there shall be laid out and established, by commissioners to be appointed by the Governor, upon the most direct and eligible routes between the places hereafter designated, the following State roads:

Dowagiac swamp. *First.* A road beginning at the north-east corner of section thirty-six, in town five south, of range sixteen west, running thence north on the section line five miles, to the county line of Van Buren county, to be known as the Dowagiac swamp State road; a road from Little Traverse Bay, in Emmet county, to Traverse City, in Grand Traverse county, to be known as the Emmet and Grand Traverse State road;

Manistee and Leland. *Second.* A road from Manistee, in Manistee county, to Leland, in the county of Leelanaw, via Frankfort, to be known as the Manistee and Leland State road; a road from Blissfield village, in Lenawee county, to Ottawa lake, in Monroe county, to be called the Cottonwood Swamp State road, being eight miles; also, a road from the village of Berlin, in Ottawa county, to the south line of Jamestown, via Haire's Landing and Georgetown Centre, to be known as the Berlin and Georgetown State road;

Muskegon and Cedar Springs. *Third.* A road from Muskegon village, in Muskegon county, east to Cedar Springs, in Kent county, to be known as the Muskegon and Cedar Springs State road;

Englishville and Croton. *Fourth.* A road beginning at the south-west corner of section thirteen, in town eight north, of range twelve west, running thence north on the section line three miles, to Englishville, in the county of Kent; thence north on the section line between sections thirty-five and thirty-six, in town nine north, of range twelve west, to Sextonville; from thence on the present surveyed route, to Croton, in the county of Newaygo, to be known as the Englishville and Croton State road; also, a road from Big Rapids, in Mecosta county, southerly to intersect with a road running from Greenville to Grand Rapids, to be known as the Big Rapids and Grand Rapids State road;

Big Rapids and Grand Rapids.

Fifth. A road from Capac, in the county of St. Clair, thence ^{Capac and Clyde.} east until it intersects the Brockway and Port Huron plank road, to be known as the Capac and Clyde State road;

Sixth. A road from Port Sanilac, in Sanilac county, thence ^{Port Sanilac and Tuscola.} westerly by the way of Watrousville and the southern terminus of the Bay City plank road, to Bridgeport, in Saginaw county, to be known as the Port Sanilac and Tuscola State road;

Seventh. A road from Saginaw, in Saginaw county, by the ^{Saginaw and Gratiot.} way of St. Louis, in Gratiot county, to Alma, in Gratiot county, to be known as the Saginaw and Gratiot State road;

Eighth. A road from the village of Newaygo, by the way of ^{Newaygo and Dayton.} Fremont and Dayton, to the north line of Newaygo county, in township sixteen north, of range fourteen west, to be known as the Newaygo and Dayton State road; also, a road from Hastings, in the county of Barry, to Lowell, in Kent county, and four thousand acres of swamp land to aid in building the same, to be in full for appropriation on said road; also, a road from ^{Portage river.} the village of Waterloo, in the county of Jackson, by way of Whitewood island and the Portage sawmill, to the mouth of Portage river, in the township of Blackman, in said county, to be known as the Portage river State road—half section per mile;

Ninth. A road from Almont, in Lapeer county, to the forks ^{Almont and Cass river.} of Cass river, in Tuscola county, via Marlette, to be known as the Almont and Cass river State road;

Tenth. A road from Sand Beach, in Huron county, to Bay ^{Sand Beach and Bay City.} City, in Bay county, via Sebawing, to be known as the Sand Beach and Bay City State road;

Eleventh. A road from Big Rapids, in the county of Mecosta, ^{Greenville and Big Rapids.} to Greenville, to be known as the Greenville and Big Rapids State road;

Twelfth. A road from Greenbush, in the county of Clinton, ^{Greenbush and Gratiot.} north to the north line of township number ten north, in the county of Gratiot, to be known as the Greenbush and Gratiot State road;

Port Austin
and Sanilac.

Thirteenth. A road from Hume, in Huron county, running southerly, until it intersects the Lansing, Port Huron and Bay City State road, to be known as the Port Austin and Sanilac State road; and there is hereby appropriated an additional section of six hundred and forty acres of State swamp land to the mile, on that part of the road lying north of Port Hope, in the county of Huron, which said land shall be selected from the county of Huron;

Midland
and Isabella.

Fourteenth. A road from Midland City, in Midland county, to Mount Pleasant, in Isabella county, to be known as the Midland and Isabella State road;

Saginaw
City and
Owosso.

Fifteenth. A road from Saginaw City, in Saginaw county, to Owosso, in Shiawassee county, to be known as the Saginaw City and Owosso State road;

Ithaca and
St. Charles.

Sixteenth. A road from Ithaca, in Gratiot county, to St. Charles, in Saginaw county, to be known as the Ithaca and St. Charles State road;

Saginaw and
Genesee.

Seventeenth. A road from Parshall's mills, in Saginaw county, to Montrose, in Genesee county, via Maple Grove, to be known as the Saginaw and Genesee State road;

Ionia and
Vermont-
ville.

Eighteenth. A road from Ionia, to Vermontville, in the county of Eaton, to be called the Ionia and Vermontville State road: *Provided,* That no appropriation shall be made or expended in any portion of the first eight miles south from Ionia;

New Haven
and Fairfield.

Nineteenth. A road from New Haven, in Shiawassee county, through Rush, to Fairfield, in said county, to be known as the New Haven and Fairfield State road;

Branch of
Eaton and
Barry.

Twentieth. A road commencing on section thirty-five, of township four north, of range three west, thence westerly to intersect the State road running from the city of Lansing, to the village of Hastings, in the county of Barry, to be known as the branch State road of Eaton and Barry counties;

Duncan, Al-
pena and
Sable.

Twenty-first. A road from Duncan, in Cheboygan county, to Sauble river, in Iosco county, via Alpena, to be known as the Duncan, Alpena and Sauble river State road;

Twenty-second. A road from at or near Mackinaw City, in Mackinaw Emmet county, to Little Traverse Bay, in Emmet county, via ^{Mackinaw and Little Traverse.} Cross village, to be known as the Mackinaw and Little Traverse Bay State road;

Twenty-third. A road from Forestville, in Sanilac county, to ^{Sanilac and Bay.} East Saginaw, via Ellington, in Tuscola county, and village of Portsmouth, in Bay county, to be known as the Sanilac and Bay State road.

Sec. 2. This act shall take immediate effect.

Approved March 21, 1865.

[No. 340.]

AN ACT to authorize the Governor to appoint a commissioner for a certain State road.

SECTION 1. *The People of the State of Michigan enact, That* the Governor is hereby authorized to appoint a commissioner, ^{Construct'n authorized.} whose duty it shall be to superintend the construction of that part of a certain State road, commencing at or near the south-east corner of section thirty-one, township ten north, of range fourteen east, thence north to Pinna Pog, in Huron county, which is situated in Huron county.

Sec. 2. Said part of said road shall be constructed according ^{Constructed under the provisions of former acts.} to the provisions of act number one hundred and seventeen, of the session laws of eighteen hundred and fifty-nine, and the acts amendatory thereto.

Approved March 21, 1865.

[No. 341.]

AN ACT to provide for the drainage and reclamation of swamp lands, by means of a road, to be known as the further extension of the Mineral Range State road, in the county of Ontonagon, and to provide for the construction of the same.

SECTION 1. *The People of the State of Michigan enact, That there* shall be laid out and established by the commission- ^{Commissioners} here to wit.

Constructed
under the
provisions
of former
acts.

Name.

Appropriation.

Proviso.

William W. Spalding, Daniel Beaser and Edward Sales, of the county of Ontonagon, a State road, on the most direct and eligible route, commencing at the village of Maple Grove, in the township of Greenland, and from thence along the Mineral Range, so called, in a south-westerly direction, to Lake Agoyebic, in said county of Ontonagon; said road to be laid out and constructed under the provisions of an act entitled "an act to provide for the drainage and reclamation of swamp lands by means of State roads and ditches," number one hundred and seventeen, of the laws of eighteen hundred and fifty-nine, and the acts amendatory thereto, to be known as the further extension of the Mineral Range State road.

Sec. 2. To secure the construction of said road, there is hereby appropriated two sections of State swamp land, of six hundred and forty acres each, to each mile of said road, to be used and disposed of in the construction of said road according to the provisions of the act aforesaid, and the acts amendatory thereof: *Provided*, That said lands hereby appropriated shall be selected and taken from the State swamp lands in the Upper Peninsula.

Approved March 21, 1865.

[No. 342.]

AN ACT granting swamp lands to the county of Newaygo, to aid in the construction of a bridge across the Muskegon river, in the county of Newaygo.

Grant of
lands.

SECTION 1. *The People of the State of Michigan enact*, That to aid the county of Newaygo in the construction of a bridge across the Muskegon river, at or near Merrill's mill, in the township of Bridgton, there is hereby granted six sections of State swamp land, to be selected anywhere within the limits of the counties of Newaygo or Muskegon.

Governor
authorized
to appoint a
com'r.

Sec. 2. There shall be appointed by the Governor one commissioner, who shall superintend the expenditures of the lands above granted, and the work shall be let at such time as he

shall appoint, first having given public notice of the time and place, by advertising the same in a newspaper published and circulating in the county of Newaygo; and such commissioner shall also give like public notice of the manner in which such bridge shall be constructed, and the time when to be completed.

Sec. 3. Whenever the contract for the construction of said bridge shall have been let as provided in the preceding section, and the contract shall be approved by the Governor, and a copy thereof filed with the Commissioner of the State Land Office, it shall be lawful for such contractor or contractors to select the amount of lands due on said contract, and not exceeding the amount hereby granted for said work; and upon filing descriptions thereof, by legal subdivisions, with the Commissioner of the State Land Office, such Commissioner shall forthwith withhold such lands from market, and subject to the terms of construction in such contract contained.

Contractor may select lands.

Lands to be withheld from market.

Sec. 4. Whenever such bridge shall be completed to the satisfaction of the Governor of this State, and a certificate setting forth that fact shall be filed with the Commissioner of the State Land Office, such Commissioner shall forthwith convey to the person legally entitled thereto the amount of lands due to such person according to the terms of the contract, and the certificate of the Governor: *Provided*, That such lands shall not be withheld from market more than two years from and after the approval of this act.

Lands to be conveyed.

Provide.

Sec. 5. It shall be lawful for the building commissioner, herein required to be appointed, to act in conjunction with the commissioners of highways of the said township of Bridgton so far as he can consistent with the provisions of this act, and they may join in the letting of the contract; and the said commissioners of highways may pay such sums of money as are in their possession or under their control to the contractor or contractors for the construction of such bridge.

Commissioner to act in conjunction with highway com'r.

Sec. 6. The said commissioner shall receive the sum of three dollars per day for the time by him in the letting of the contract and the

for his services
legally employed
general supervising
Commissioner of construction

ion and control of the said work, which sum shall be audited and allowed by the board of supervisors of the county of Newaygo, and paid out of the general fund of the county of Newaygo.

Sec. 7. This act shall take immediate effect.

Approved March 21, 1865.

[No. 343.]

AN ACT granting swamp lands to the county of Shiawassee, to aid in cutting drains through a certain swamp in said county.

SECTION 1. *The People of the State of Michigan enact, That*
Construct'n of ditch authorized. a commissioner shall be appointed by the Governor of the State, whose duty it shall be to lay out and superintend the construction of a ditch or drain, commencing at a point near the centre of section two, in the township of Antrim, it being town five north, of range three east, in the county of Shiawassee, running thence through the entire length of said swamp, to a point near the centre of section thirteen, in said town.

Appropriation. Sec. 2. To secure the construction of said ditch or drain, there is hereby appropriated two thousand acres of State swamp land, to be selected in the county of Shiawassee.

How constructed. Sec. 3. Said ditch or drain shall not average less than ten feet in width at the top, four feet at the bottom and three feet deep, and it shall be so constructed as to drain off the water to the bottom of said ditch or drain.

Constructed under the provisions of former acts. Sec. 4. Said ditch or drain shall be surveyed, graded and constructed under the provisions of act number one hundred and seventeen, of the session laws of eighteen hundred and fifty-nine, and acts amendatory thereto.

Sec. 5. This act shall take immediate effect.

Approved March 21, 1865.

[No. 344.]

AN ACT to provide for the completion of the Capac and Clyde State road, in the county of St. Clair.

SECTION 1. *The People of the State of Michigan enact, That* there is hereby appropriated one-half section of State swamp land to the mile, for the first three miles east of Capac, on the Capac and Clyde State road, to be expended in the same manner as the original grant, in the completion of said road, under the provisions of act one hundred and seventeen, of the session laws of eighteen hundred and fifty-nine, and acts amendatory thereto, the said land being selected from the county of St. Clair.

Approved March 21, 1865.

[No. 345.]

AN ACT to provide for the drainage and reclamation of swamp lands, by means of a road, to be known as the Cass river and Bay City State road.

SECTION 1. *The People of the State of Michigan enact, That* there shall be laid out and established, by a commissioner to be appointed by the Governor for that purpose, a State road commencing at the forks of Cass river, in the county of Tuscola, and running thence by way of Unionville, to Bay City, by the nearest and most eligible route; said road to be laid out and constructed under the provisions of act number one hundred and seventeen, of the laws of eighteen hundred fifty-nine, and the acts amendatory thereof, and to be known as the Cass river and Bay City State road.

Sec. 2. To secure the construction of said road there is hereby appropriated an average amount of twelve hundred and eighty acres of State swamp land to the mile, to be expended on that part of the road lying between Bay City and the east bank of the low ground or marsh on the Quancassee river, and an average amount of six hundred and forty acres to the mile of the balance of said road.

Construct'n
of bridge
authorized

Sec. 3. Said commissioner is also hereby authorized and directed to cause a bridge to be constructed across the Quancassee river, on the route of said road, according to the provisions of said act and the amendments thereto, now in force; and two thousand and five hundred acres of State swamp land is hereby appropriated for the construction thereof: *Provided*, That the lands appropriated by this act shall be selected from the counties through which said road runs, in proportion to the number of miles in each.

Proviso.

Part discon-
tinued.

Sec. 4. All that portion of the Sand Beach and Bay City State road, which lies between the east bank of the Quancassee river and Bay City is hereby discontinued; and all that portion of the Sanilac and Bay City State road which lies between the forks of Cass river and the Bay City and Tuscola plank road is hereby discontinued.

Approved March 21, 1865.

[No. 346.]

AN ACT to provide for the drainage and reclamation of swamp lands, by means of a State road and ditches, from Bridgton, in the county of Newaygo, to Blodgett's mills, in the county of Osceola.

Construct'n
authorized.

SECTION 1. *The People of the State of Michigan enact*, That there shall be laid out and established, by a commissioner to be appointed by the Governor, upon the most eligible route from Squires' hotel, in the township of Bridgton, in the county of Newaygo, to Blodgett's mills, in the township of Richmond, in the county of Osceola, to be known as the Bridgton and Osceola State road.

Constructed
under the
provisions
of former
acts.

Sec. 2. Said road shall be laid out and constructed under the provisions of act number one hundred and seventeen, of the session laws of eighteen hundred and fifty-nine, and the acts amendatory thereto.

Sec. 3. To secure the construction of the said road, there is hereby appropriated an average of six hundred and forty acres of State swamp land to the mile, to be expended under the provisions of said act, and the several acts amendatory thereto: *Provided*, That said lands shall be selected within the limits of the counties of Newaygo, Mecosta and Osceola.

Approved March 21, 1865.

[No. 347.]

AN ACT to provide for the improvement of that portion of the Port Huron, Bay City and Clinton State road which lies between Bay City and Midland City.

SECTION 1. *The People of the State of Michigan enact*, That John Larkin, of Midland county, and William H. Gilbert, of Bay county, be and they are hereby appointed two commissioners, for the purpose of improving that part of the Port Huron, Bay City and Clinton State road which lies between Bay City, in Bay county, and Midland city, in Midland county.

Sec. 2. For the purpose of aiding in the improvement of said road, there is hereby appropriated one section of State swamp land to each mile thereof, to be located in either of said counties; the said road to be improved under the provisions of act number one hundred and seventeen, of the laws of eighteen hundred and fifty-nine, and the amendments thereto, so far as the same is applicable.

Sec. 3. This act shall take immediate effect.

Approved March 21, 1865.

[No. 348.]

AN ACT to authorize the commissioners of highways to establish water-courses and locate ditches in certain cases, and to repeal act number two hundred and fifty-seven, of the laws of eighteen hundred and fifty-nine, and act number two hundred and forty-one, of the laws of eighteen hundred and sixty-one.

SECTION 1. *The People of the State of Michigan enact, That*

Application
for estab-
lishment of
water-
courses.

Appoint-
ment of time
and place
for hearing
application.
Notice
thereof.

Publication
of notice.

when any person or persons, interested in establishing a water-course, or locating a ditch, for the purpose of draining any swamp, marsh or other low lands, in any township in this State, shall make application to the commissioners of highways of such township, to establish such water-course, or locate such ditch, and shall give such commissioners good and sufficient security in writing, to pay all costs and expense of whatever kind, pertaining to the action of said commissioners about such application, in case such application shall not be granted, said commissioners shall at once appoint a time and place for an examination upon such application, and shall give notice thereof, in writing, to all persons interested in such ditch or water-course, who reside in such township, which notice shall be served upon each of such persons, at least three days before the day appointed as aforesaid, by delivering a copy to such persons, or by leaving a copy at the residence of such persons, with some person of suitable age; and when any person or persons interested in such water-course or ditch, reside out of such township, such commissioners shall publish such notice for three successive weeks, next before such day appointed, in a newspaper of general circulation in the county in which such township lies, or when there is no such newspaper in such county, in a newspaper of general circulation in an adjoining county, unless they shall serve written notice, as above provided, on all such persons living out of such township, in which case the persons upon whom such notice is made, shall have one day's notice for every twenty miles travel, (excluding Sundays,) from their residence to such place appointed, in addition to

the three days' notice provided above; and a copy of such notice with an affidavit of service or publication, or both, as above provided, shall be taken as evidence that the same has been regularly served or published, or both regularly served and published, as the case may be, and either of said commissioners may administer any oaths provided for in this chapter, and it shall only require a majority of said commissioners to act in any case provided for the action of said commissioners in this chapter.

Proof of notice of publication.

Sec. 2. Said commissioners shall meet at the time and place appointed, as provided in the preceding section, and shall proceed to examine such water-course or line of proposed ditch, and to hear all persons interested, and for that purpose shall have power to enter upon any lands in their township, and may also adjourn such examination and hearing from time to time, as to them shall seem fit, by publicly announcing the time and place to which such adjournment is made.

Meeting of com'rs.

Powers of.

Sec. 3. If said commissioners, after such examination and hearing determine not to establish such water-course or locate such ditch, or if the jury or commissioners hereinafter provided for, shall so decide as to prevent the establishment of such water-course or locating such ditch, then said applicant or applicants shall immediately pay said commissioners all their just and legal costs, charges and expenses, including all moneys that said commissioners may have paid, or become obligated to pay to other persons in the same matter.

Applicants to pay costs in case application is rejected.

Sec. 4. On such examination and hearing, if said commissioners shall deem it beneficial to the persons interested therein, they shall immediately proceed to establish such water-course or locate such ditch, and to that end they shall cause a survey and measurement thereof to be made if they deem it necessary, and shall decide upon the commencement, courses, distances, depth, width and termination thereof; and if owners of the land through which said water-course or ditch is to run, shall not release all claim for compensation therefor, the said commissioners, at the time of the examination and

Proceedings when application is granted.

Selection of jury to determine damage.

hearing mentioned in the foregoing sections, shall make a list of twenty-four disinterested freeholders residing in the vicinity of such land, and in the same county, from which said commissioner shall strike off the names of six, and the owners of such land six; but if such owners do not appear at said examination and hearing, or appearing, refuse or neglect to act, then said commissioners shall strike off other six, and the remaining twelve shall be the persons elected; and said commissioners shall at once issue a venire, signed by them, directed to the sheriff or any constable of said county, commanding him to summons said jurors, naming them, to be and appear before them forthwith, or at such other time as they shall direct, not more than three days from the date of said venire, to serve as jurors, to ascertain the necessity of taking certain property, (describing it,) for the purpose of such water-course or ditch, and the just compensation to be paid therefor; and if all said jurors shall not appear, said sheriff or constable shall summon talesmen to make a full jury; said jurors shall be sworn to ascertain the necessity of taking the land described in the venire, for the purpose of opening said water-course or ditch, and to appraise the just compensation to be paid to the owner or owners thereof, if any; said jury, after viewing the premises described in said venire, shall make return to said commissioners in writing, signed by them, of their doing, which shall state as to the necessity of taking such tract or tracts of land described in the venire, for the purpose of opening said water-course or ditch, and the just compensation to be paid to the owner or owners thereof, if any, and to whom payable; and in case said jury cannot agree, another jury may be chosen and sworn in like manner as the first, on the same or some other day, to be appointed by said commissioners, who shall act and make return as aforesaid; and successive jurors may be chosen, sworn, and act as aforesaid, until they shall agree, if the parties interested desire it; or said commissioners may then or in the first instance apply to the probate court of their county for the appointment of three commissioners to act in

Summons of jury.

Talesmen.

Return of jury.

When jury cannot agree another may be chosen.

Commissioners to ascertain damages.

place of said jury, who shall take the same oath and perform the same duties prescribed above for said jury: *Provided, That* ^{When action to be suspended.} if said jury or commissioners shall certify that the taking of said land for the purpose of said water-course or ditch is not necessary, all further action in that case shall be suspended for twelve months, at the expiration of which time another jury or set of commissioners may be called or appointed as aforesaid, if the parties desire it.

Sec 5. If the owners of the land through which such water-course or ditch is to run, shall release all claims for compensation therefor, or said jury or commissioners of appraisal shall return that it is necessary to take said land for the purpose of said water-course or ditch, and shall award the just compensation therefor, to be paid to the owners of said land, said commissioners of highways shall, as soon thereafter as may be, proceed to apportion the labor of opening and maintaining said water-course or ditch upon the lands drained or benefited thereby, in such proportion as they shall deem just and right; and shall cause a measurement to be made of such portion thereof as they shall award to each piece or tract of land, and shall number the same, and cause a stake or monument to be placed at the commencement of each portion, with the number of the same marked thereon on the side towards the portion designated by the number; and they shall cause a map or diagram to be made, showing the commencement, intermediate courses and distances, depth, width and termination of such water-course or ditch; also showing the portions into which such water-course or ditch is divided, and the length and number of each portion; and they shall make an official certificate of their doings, showing the establishment of such water-course or location of such ditch, referring to such map or diagram for the commencement, courses, distances, depth, width and termination of the same, and further, showing what portions of such water-course or ditch they have apportioned to be opened and maintained by each piece or tract of land to be drained or benefited thereby, and the length and number of each portion;

Certificate,
etc., to be
filed with
township
clerk.

Record of.

Award and
apportion-
ment to be
a lien.

Agreement
of persons as
to location
of water-
courses and
ditches.

Proceedings
thereon.

Provided.

which certificate, together with said map or diagram, and all other papers in the case shall be attached together and filed in the office of the clerk of the township in which such water-course or ditch is to be opened, to be there preserved as the records of such township, for the benefit of those interested; and such clerk shall make an entry in a book kept for that purpose, of each paper so filed, showing the kind of paper and date of entry, and showing in what part of such township such water-course is established or ditch located, which entries shall be *prima facie* evidence of the existence of such papers at the date of such entry, and of their having been duly filed at such date; and such award and apportionment of labor as aforesaid, when duly filed as aforesaid, shall thenceforth be a lien upon each piece or tract of land so drained and benefited, to open and always maintain such portion of such water-course or ditch so apportioned to it, and an obligation against the owner thereof.

Sec. 6. If all the owners of the land to be drained or benefited by such water-course or ditch, shall agree, in writing, signed by them, upon the establishment of such water-course, or location to such ditch, and its dimensions, and the apportionment of the labor that each tract of land drained or benefited thereby, is to bear in opening and maintaining the same, and shall release all claim for compensation for the opening of the same across their land, and shall make such a map or diagram as is provided for in the foregoing section, and shall file such map or diagram and agreement in the clerk's office for such township, and shall fix stakes or monuments as provided in the foregoing section, then such water-course shall be established, or ditch located, with all the force and effect, and be as binding in law, as if established or located by the commissioners of highways, under the provisions of this act; and said clerk shall file and make entries of all such papers, which shall have the same force and effect, as provided in the foregoing section for papers filed and entered in his office: *Provided*, That none of the provisions of this act authorize the laying out or opening any

ditch or water-course where the same shall be wholly on lands belonging to or occupied by any one person.

Sec. 7. When such water-course is established or ditch located, and apportionment thereof made, and papers filed as provided in the foregoing section, it shall be the duty of each owner of the land upon which such apportionment is made, to fully open such portion of such water-course or ditch as has been apportioned to his land, to be opened and maintained, by the first day of August next after such papers are filed, unless such papers are filed in the months of June or July, and then to open such portion by the first day of September next after such papers are filed. If any portion of such water-course or ditch is not opened by the time above provided, said commissioners of highways shall, as soon as practicable, cause the same to be done, either by public or private contract, on such reasonable terms as they are able to procure, and they shall give to the persons who shall have performed their contracts thereon, certificates showing the amount and value of the labor performed by such persons on each contract respectively, with a description of the land against which such labor was performed.

Owners of land to open water-courses and ditches.

Commissioners of highways to contract for opening in case of refusal of owner.

Sec. 8. Said commissioners of highways shall apportion all the just fees, costs and expenses of all the officers and persons engaged in any manner in establishing such water-course or locating such ditch, upon the lands drained or benefited thereby, in such proportion as shall to them seem just; they shall also, in the same manner, apportion the compensation awarded by the jury or commissioners of appraisal, to certain of the owners of the land through which such water-course or ditch runs, except that the lands, to the owner of which such compensation is to be paid, shall not be liable to the apportionment of any part of such compensation; and they shall apportion all the fees, costs and value of the labor of opening any portion of such water-course or ditch, caused to be opened by them under the provisions of the foregoing section, to the land to which the opening of such portion was apportioned; and they shall make a statement in writing, signed

Apportionment of expenses.

Of compensation.

Of labor, etc.

Statement of apportionment.

ing their apportionment to each tract of land, of the fees, costs and expenses of officers and other persons in establishing such water-course or locating such ditch; also, of the compensation to be paid to owners of land as aforesaid, and of fees, costs and value of labor of opening any portion of such water-course or ditch, caused to be opened by such commissioners of highways as aforesaid, showing further, the amount out of such apportionments to be paid to each and every person entitled thereto; and where compensation is to be paid to the owner of land, through which such water-course or ditch is to run, and the name of such owner is not known, then name him as the owner of such land, which statement shall be sworn to by at least one of said commissioners of highways, and shall be filed in the office of the township clerk, on or before the tenth day of October next, after such water-course is established or ditch located:

Provided, If there is any portion of such water-course or ditch that is not opened by said tenth day of October, then such statement, as to such portion, may be filed on or before the tenth day of October next thereafter, in like manner.

Statement to be sworn to and filed.

Provido.

Apportionment not paid to be certified to supervisor.

Delinquent ditch tax.

How collected.

To whom paid.

Sec. 9. If the owners of land upon which such apportionment is made, do not pay the apportionment upon their lands respectively, on or before the first day of November next, after the filing of such statement, (to be paid to the township treasurer, in accordance with a statement of the amount to be furnished by the township clerk to such treasurer,) all such apportionments which are not paid by said first day of November, shall be certified by the township clerk to the supervisor, on or before the fifth day of November thereafter, which supervisor shall immediately levy such apportionment upon the lands upon which the apportionments are made, in a column entitled "delinquent ditch tax," in the same manner that delinquent highway taxes are required by law to be levied; and the amount so levied shall be collected by the township treasurer, the same as other taxes, and when collected shall be paid over to the person or persons entitled to receive the same, on the orders of the township board, together with the money paid in to the

township treasurer by the owners of land as aforesaid, and the money received from the county treasurer for delinquent ditch tax, returned to such county treasurer as not collected.

Sec. 10. If the taxes so levied are not collected by the township treasurer, the land upon which they are levied shall be returned, advertised and sold in the same manner as lands are advertised and sold for other taxes; and the county treasurer shall pay to the township treasurer all such taxes as soon as collected by him, and return to him the whole amount of such delinquent ditch tax not collected by the township treasurer.

Sec. 11. In cases where any proposed water-course or ditch shall be in more than one township, application shall be made to the commissioners of highways of each of such townships; in which case it shall require a majority of the commissioners of highways of such townships, to establish such water-courses or locate such ditch, and to make the apportionments hereinbefore provided; and the maps or diagrams and other papers hereinbefore required to be filed, shall be filed in the township clerk's office of each of the townships in which such water-course or ditch is to lie, but the duties required of township clerks, township treasurers and supervisors, in sections nine and ten of this act, shall only apply to apportionments on lands in their own township, in any case, whether the water-course or ditch lies in one or several townships, except as to payments to persons entitled thereto, as hereinafter provided.

Sec. 12. The power herein conferred upon commissioners of highways shall extend to, and include deepening, widening and cleaning out any water-courses or ditches that have been heretofore, or shall be hereafter opened, and they may also establish and locate at the same time, as many water-courses and ditches, or partly water-courses and partly ditches, as application shall be made for and shall seem to them best.

Sec. 13. The commissioners of highways and township clerk shall each receive the same fees for each day and half day of their service about such water-course or ditch as they are entitled to by law when engaged about township business; pub-

Sale of lands for non-payment.

Proceedings when ditch is located in more than one township.

Powers of com'rs of highways.

Compensation of com'rs.

Publishers. lishers shall receive the legal fee for publishing legal notices;
Probate judge. judges of probate shall receive the sum of fifty cents for making appointment of commissioners and certificate thereof;
Commissioners. commissioners of appraisal shall receive one dollar and fifty cents for each day, and seventy-five cents for each half day;
Sheriffs. sheriffs and constables the same as in other cases of serving
Jurors venire; juries the same as in cases before justices of the peace; laborers such fees as shall seem to such commissioners just.

Township to draw orders for amounts due. And although all such fees are to be apportioned to the lands drained and benefited by such water-course or ditch, as provided in section eight, yet the township board of the township in which such water-course is established or ditch located, shall draw orders in favor of each of such officers and laborers for the amount to which they are entitled, as shown by the statement of the commissioners of the highways, filed with the township clerk; they shall likewise draw orders in favor of each person entitled to compensation on account of such water-course or ditch running across his land; also in favor of each person who has performed labor under contract from said commissioners of highways in opening a portion of such water-course or ditch as shown by said statement, which orders shall be drawn on the township treasurer of the township in which such water-course or ditch lies, and made payable by the first day of February next after their date. And if such water-course or ditch lies in more than one township, then the township board of the township in which the most of such water-course or ditch lies, shall draw all the orders on the township treasurer of that township, and the township treasurers of the other townships shall pay over all the money, less their collection fees, which they collect or is paid to them as ditch tax, or on account of such water-course or ditch, by the first day of February aforesaid, or as soon thereafter as collected or paid to them, to the township treasurer on which such orders are drawn, and the township treasurers on which such orders are drawn shall in all cases pay such orders as fast as funds come into their hands from such ditch tax, or on account

When payable.
Orders when ditch is in more than one township.

of such water-course or ditch; and when such orders are presented to such treasurers after such first day of February, and they have not funds in their hands to pay them, they shall endorse the date of such presentation, after which such orders shall draw interest till paid.

To draw interest after presentation.

Sec. 14. Commissioners of highways and other persons, refusing, failing, or neglecting to perform any of the duties imposed by this act, shall forfeit and pay a fine of ten dollars for every such neglect, failure or refusal, to be recovered before any justice of the peace in his township, for the benefit of primary schools in said township, at the suit of any person feeling aggrieved thereby; said fine money to be paid over by the justice of the peace to the township treasurer, who shall take a receipt therefor, and file it with the township clerk, who shall apportion money at the same time as other school moneys: *Provided, always,* That no commissioner of highways, commissioner of appraisal or jury, shall serve in any case wherein he is personally interested.

Penalty for neglect of duties.

Sec. 15. Whoever shall willfully obstruct any such water-course or ditch, or injure the same, shall forfeit for every such offense a sum not exceeding twenty-five dollars, to be recovered before a justice of the peace of such township, for the benefit of primary schools in such township, (to be paid over and apportioned as provided in the foregoing section,) at suit of any person making complaint, and shall also remove such obstruction, and in default thereof for three days, shall be liable to an action therefor, before any justice of the peace of the township, at the suit of the commissioners of highways, to be expended by said commissioners in removing such obstructions, and in paying fees of commissioners in superintending the same.

Penalty for obstructing water-courses.

Sec. 16. Act number two hundred and fifty-seven, of the laws of eighteen hundred and fifty-nine, and act number two hundred and forty-one, of the laws of eighteen hundred and sixty-one, are hereby repealed.

Acts repealed.

Approved March 21, 1865.

[No. 349.]

AN ACT to amend section sixteen of an act to organize the Michigan Asylum for the Insane, and more effectually to provide for the care, maintenance and recovery of the insane; also, to amend section twenty-four of said act, as amended by act number one hundred and twenty, of the session laws of eighteen hundred and sixty-one, and also to add three new sections thereto, to stand as sections forty-four, forty-five and forty-six.

Sections
amended

SECTION 1. *The People of the State of Michigan enact, That* sections sixteen and twenty-four, of an act to organize the Michigan Asylum for the Insane, and more effectually to provide for the care, maintenance and recovery of the insane, approved February fourteenth, eighteen hundred and fifty-nine, and the act amendatory thereof, approved March eleventh, eighteen hundred and sixty-one, be and the same is hereby amended, so as to read as follows:

Powers of
treasurer.

Sec. 16. The treasurer of the Michigan Asylum for the Insane, shall be vested with the same powers, rights and authority, which are now by law given to superintendents of the poor, in any county or town of the State, so far as may be necessary for the indemnity or benefit of the Asylum, and for determining the settlement of any insane person that may be sent to the Asylum by an order of a judge of probate; and also for the purpose of compelling a relative or committee to defray the expenses of a lunatic's support in the Asylum, and reimburse actual disbursements for his necessary clothing and traveling expenses, according to the by-laws of the institution; also, for coercing the payment of similar charges when due, according to said by-laws, from any town, city or county, that is liable for the support of any lunatic in said asylum.

Indigent
persons
proceedings
in case of.

Sec. 24. When a person in indigent circumstances, and not a pauper, becomes insane, application may be made in his behalf to the probate judge of the county where he resides; and said probate judge shall call two respectable physicians, and other creditable witnesses, and also immediately notify the prosecuting attorney of his county, of the time and place of

meeting, whose duty it shall be to attend the examination and act in behalf of said county; and said probate judge shall fully investigate the facts in the case, and either with or without the verdict of a jury, at his discretion, as to question of insanity, shall decide the case as to his indigence; and if the probate judge certifies that satisfactory proof has been adduced, showing him insane, and his estate is insufficient to support him and his family, or if he has no family, himself, under the visitation of insanity, on his certificate, under the seal of the probate court of said county, he shall be admitted into the asylum, and supported there at the expense of the county to which he belongs, until he shall be restored to soundness of mind, if effected in two years, and until removed by order of the board of supervisors of such county; the probate judge in such case shall have power to compel the attendance of witnesses and jurors, and shall file the certificates of the physicians, taken under oath, and other papers, in his office, and enter the proper order in the journal of the probate court in his office. Said probate judge shall report the result of his proceedings to the supervisors of his county, if such person belongs to that county, whose duty it shall be at the next annual meeting thereafter, to raise money requisite to meet the expenses of support accordingly.

Sec. 2. That three new sections be added to said act, to stand as sections forty-four, forty-five and forty-six, to read as follows:

Sec. 44. When an indigent insane person shall be brought before a judge of probate for examination, as provided in section twenty-four of this act, such judge shall also inquire into the settlement of such person, and if it shall appear that such person is in indigent circumstances, and has not sufficient means for his support, and has not a legal settlement in the county of such judge, but has gained a legal settlement in some other county of this State, according to the provisions of sections fourteen hundred and seventy-four and fourteen hundred and seventy-five of the compiled laws of this State, said judge shall cause to be made a return of the facts so ascertained by him to the clerk of the court of probate in the county in which such person has gained a legal settlement, and shall also cause to be made a return of the facts so ascertained by him to the clerk of the court of probate in the county in which such person was first brought before him for examination.

Statements
of proceed-
ings and de-
cision.

shall make two statements of his proceedings and decision, and shall certify to the correctness thereof, under the seal of the probate court, and transmit one copy with the other proceedings to the treasurer of the insane asylum, who shall preserve the same in his office; which statement shall be admitted as *prima facie* evidence of the matter therein stated, in any hearing that may be had before said treasurer in relation thereto, and shall file the other copy with the county clerk of his county. The probate judge shall have the same powers in determining the settlement of an indigent insane person, as is conferred upon him in section twenty-four of this act.

Treasurer of
Asylum to
notify super-
intendent of
the poor
as to such
indigent
persons.

Sec. 45. Whenever an indigent insane person has been sent to the insane asylum by a probate judge as having gained a legal settlement in some county of this State, other than that in which such judge resides, the treasurer of the asylum shall within ten days after such person has been admitted, give notice to the superintendents of the poor of the county to which it is alleged that such indigent insane person belongs, of the facts in the case, and that the expenses of the support of such person will be charged to that county, unless such superintendents shall within such time as the treasurer may appoint, not less than twenty days, nor more than thirty days thereafter, show that such county ought not to be so charged; and on application, said treasurer shall examine the matter, and hear all the testimony in relation thereto, and shall decide the question, which decision shall be final.

Proceedings
when coun-
ty refuses
to pay for
main-ten-
ance of such
persons.

Sec. 46. In case any county in this State shall neglect or refuse to pay the amount due the asylum for the treatment and maintenance of persons admitted from such county, in accordance with the provisions of this act, it shall be the duty of the medical superintendent to make out a statement of the facts, giving the number of persons, name of each, and number of weeks' treatment and maintenance for which payment is due, and the amount of the same, to be verified upon his oath, a copy of which he shall send to the clerk of the county from which such money is due; and if the same shall not be paid within

sixty days after giving such notice to the said county clerk, he shall transmit the statement to the Auditor General, who shall draw his warrant upon the State Treasurer for the amount, together with the interest thereon, to be computed from the time the same became due the asylum, and charge the same back to the said county, to be assessed, collected and returned with, and in the same manner that other State taxes are assessed, collected and returned.

Approved March 21, 1865.

[No. 350.]

AN ACT to protect fish and preserve the fisheries of this State.

SECTION 1. *The People of the State of Michigan enact, That* it shall be unlawful for all persons to put into any of the waters of this State, where fish are taken, any offal, blood, putrid brine, putrid fish or filth of any description; and any person so offending shall be fined in any sum not exceeding three hundred dollars, or imprisonment not exceeding thirty days, or both, at the discretion of the court.

Putting of offal, etc., into waters prohibited Penalty.

Sec. 2. All fish, offal or filth of any description whatsoever, accruing from the catching and curing of fish, shall be burned or buried ten rods distant from the beach or shore of the river or lake.

Offal, how destroyed.

Sec. 3. The size of the meshes of all the lead of pound or trap nets, used in the waters of this State, shall not be less than five inches in extension, knot to knot; and the meshes of all the pot of said nets, shall not be less than two and a half inches in extension, knot to knot, in pound or trap nets used for catching white fish; and the size of the meshes of all the lead of pound or trap nets used in catching other kinds of fish, shall not be less than four inches in extension, knot to knot; and the size of the meshes of all the pot of said pound or trap nets, shall not be less than two inches in extension, knot to knot, under penalty, and on pain of forfeiture

Size of meshes of nets.

Of the nets, or

fine not exceeding three hundred dollars, or both, at the discretion of the court: *Provided*, That the penalties of this section shall not apply or work injury to persons who are the present owners of pound or trap nets, but apply to all pound or trap nets hereafter manufactured.

Spawn, how deposited.

Sec. 4. The spawn of all the white fish caught, shall be forthwith deposited, by all persons catching said fish, in the waters in or near the spawning places from which said fish were taken.

Speckled trout.

Sec. 5. No speckled trout shall be killed at any time, by means of nets or seines, in any inland lake, river or stream.

Penalty for offending against former sections.

Sec. 6. Any act in contravention of sections two, four and five of this act, shall subject all parties concerned in the breach of the said sections, whether the actual transgressors or accessories, to a penalty of not more than one hundred dollars, nor less than twenty-five dollars, with all expense of prosecution, or to imprisonment in the county jail, for a period not exceeding thirty days, or both, at the discretion of the court.

Board of supervisors to make regulations for fishing with nets.

Sec. 7. The board of supervisors of each, or a majority of them, shall, from time to time, make rules and regulations for regulating the fishing with pound or trap nets, gill nets and line, and all manner of fishing tackle carried on upon all lake and river shores, or upon any water adjacent to or passing through any county of this State.

License.

Sec. 8. The board of supervisors of each county, or a majority of them, shall grant, on the application of any transient or non-resident person or persons, a written permission or license for one year, for each and every pound or trap net used, on payment of fifty dollars legal money. All persons concerned in the breach of this act, shall forfeit the sum of one hundred dollars, with all costs of suit. It shall be the duty of the board of supervisors, or a majority of them, to enforce the provisions of this act; and all moneys accruing from fishing licenses and forfeitures, shall be paid over to the county treasurer.

Duty of Board of supervisors

Forfeitures, how recovered.

Sec. 9. All forfeitures occurring under sections one, two, three, four, five, six, eight and nine of this act, may be recovered by action of debt, with costs of suit, before any court of

competent jurisdiction, one moiety thereof to the person who ^{To whom} ~~sues~~ ^{paid.} for the same, and the other moiety to be paid into the hands of the county treasurer, which [shall] be exclusively used as a pauper fund.

Approved March 21, 1865.

[No. 351.]

AN ACT to change the name of Lake City, in Bay county, to Wenona.

SECTION 1. *The People of the State of Michigan enact, That* the name of Lake City, in Bay county, be and the same is hereby changed to Wenona, by which name said village shall hereafter ^{Name} ~~be~~ ^{changed.} be called and known; and all lands within the plat of Lake City, as recorded in the office of the register of deeds of Bay county, may hereafter be acquired, described and conveyed, as lands in the village plat of Wenona.

Sec. 2. This act shall take immediate effect.

Approved March 21, 1865.

[No. 352.]

AN ACT to repeal the charter of the Royal Oak and Rochester plank road company.

SECTION 1. *The People of the State of Michigan enact, That* whereas, the proprietors of the Royal Oak and Rochester plank ^{Repeal} road have wholly abandoned said road, and the same is in a very bad and unsafe condition, therefore, the charter of said company is, from and after this date, hereby repealed.

Approved March 21, 1865.

bursement of all money received by them respectively in each year.

Bond of.

Sec. 5. The said special commissioners, before any money so collected as aforesaid, shall be received by them, shall each make and execute to the people of this State, a bond in the sum of two thousand dollars, conditioned that they will faithfully apply all moneys received by them in virtue of this act, which bonds, with such sureties as the treasurers of their respective counties shall direct and approve, shall be deposited by the said commissioners in the office of the clerk of their respective counties.

Compensation.

Sec. 6. The said special commissioners shall receive as compensation for their services, two dollars per day while actually engaged in the service of said road, which amount shall be audited by the board of supervisors of the respective counties, and shall be paid out of the funds created by this act.

Vacancies, how filled.

Sec. 7. Any vacancy in the office of commissioner under this act shall be filled by the board of supervisors of the county in which such vacancy occurs; and any commissioner appointed by such board of supervisors, shall be subject to and perform all the requirements of this act.

Approved March 21, 1865.

[No. 355.]

AN ACT to provide for the incorporation of Reformed Protestant Dutch churches.

Trustees.

SECTION 1. *The People of the State of Michigan enact, That the minister or ministers, and elders and deacons, and if during any time there be no minister, then the elders and deacons during such time, of every Reformed Protestant Dutch church or congregation, now or hereafter to be established in this State, and elected according to the rules and usages of such churches within this State, shall be the trustees for every such*

church or congregation, and it shall be lawful for the said trustees, if not already incorporated, to assemble together as soon as they shall deem it convenient, and execute under their hands and seals, a certificate, certifying the name and title by which they and their successors forever, as a body corporate, by virtue of this act, shall be known and distinguished, which certificate, being duly acknowledged or proved as aforesaid, shall be recorded by the clerk of such county, in a book to be by him provided as aforesaid; and such trustees and their successors shall thereupon, by virtue of this act, be a body corporate by the name or title expressed in such certificate; and it shall be lawful for the trustees of any such church or congregation, elected by virtue of any former law of this State, by writing, under their hands and seals, to be proved, acknowledged and recorded as aforesaid, to declare their will not to continue any longer a body corporate; and thereupon such body corporate shall cease, and all the estate, real and personal, held by them, shall pass to and be vested in the trustees of such church or congregation, made a body corporate in the manner above directed: *Provided always*, That nothing, herein contained shall be construed in any manner to impair or alter the rights of any of the chartered churches within this State.

Certificate
of organiza-
tion.

To be re-
corded.

Body corpo-
rate.

Dissolution
of.

Proviso.

Sec. 2. The trustees of every church, congregation or society herein above mentioned, and their successors, shall respectively, have and use a common seal, and may renew and alter the same at their pleasure, and are hereby authorized and empowered to take into their possession and custody all the temporalities belonging to such church, congregation or society, whether the same consists of real or personal estate, and whether the same shall have been given, granted or devised directly to such church, congregation or society, or to any other person for their use; and also, by their corporate name or title, to sue and be sued in all courts of law or equity, and to recover, hold and enjoy all the debts, demands, rights and privileges, and all churches, meeting houses, parsonages and burying places, with the appurtenances, and all estates belong-

Powers of
trustees.
Common
seal.

Custody of
temporal-
ties.

Suit for and
against.

bursement of all money received by them respectively
year.

Bond of.

Sec. 5. The said special commissioners, before so collected as aforesaid, shall be received by each make and execute to the people of this State in the sum of two thousand dollars, conditioned that they faithfully apply all moneys received by them to the act, which bonds, with such sureties as the trustees of the respective counties shall direct and approve, shall be approved by the said commissioners in the office of the respective counties.

Compensation.

Sec. 6. The said special commissioners shall receive compensation for their services, two dollars per day when engaged in the service of said road, to be audited by the board of supervisors of the respective counties and shall be paid out of the funds created for the purpose.

Vacancies,
how filled.

Sec. 7. Any vacancy in the office of a special commissioner shall be filled by the board of supervisors of the county in which such vacancy occurs; and the board of supervisors shall see that all the requirements of this act.

Approved March 21, 1865.

[2]

AN ACT to provide for the
estant

Trustees.

SECTION 1. *The People*
the minister or minister-
ring any time there be n
during such time as he
or congressional
State
chan

church or congregation. as
 tees, if not already incorp
 as they shall deem it con
 and seals, a certificate
 they and their success
 tue of this act, shall
 tificate, being duly
 be recorded by the
 him provided as afore
 sors shall thereupon
 by the name or title
 be lawful for the tru
 elected by virtue
 under their hands
 recorded as afore
 longer a body corpor
 shall cease, and all
 shall pass to and
 congregation, mai
 directed: *Provis*
 shall be construe
 of any of the corp

Sec. 2. The tr
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with the consent and ap
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 real estate so sold did

ion of corporations for literary
 purposes.

State of Michigan enact, All
 abolished under the provisions of Powers of
 corporation.
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 a common seal, and alter and
 may elect in such a manner as
 sary officers, may fix their com
 er duties, and make from time to
 sistent with the constitution and
 ity of the members thereof shall

ersons, not less than ten, who shall, Organizati
 authorized.
 writing, associate according to the
 er any name assumed by them for
 ses, or both, and who shall comply
 s act, shall with their successors and
 ly politic and corporate, in fact and
 assumed by them in their articles of
 That no two societies shall assume the

of association of every such society, shall Articles of
 association,
 how execu
 ted.
 ons associating in the first instance, and
 some person authorized by the laws of this
 ledgments of deeds, and shall state:

ues of the parties associating in the first in- Contents.
 places of residence;

ing to such church, congregation or society, in whatsoever manner the same may have been acquired, or in whose name soever the same may be held, as fully and amply as if the right or title thereto had originally been invested in the said trustees; and also to purchase and hold other real and personal estate, and to demise, lease and improve the same for the use of such church, congregation or society, or other pious uses, so as the whole real and personal estate of any such church, congregation or society, shall not exceed the annual value or income of three thousand dollars; and also to repair and alter their churches or meeting houses, and to erect others, if necessary, and to erect dwelling houses for the use of their ministers, and school-houses and other buildings for the use of such church, congregation or society; and such trustees shall also have power to make rules and orders for managing the temporal affairs of such church, congregation or society, and to dispose of all moneys belonging thereto, and to regulate and order the renting the pews in their churches and meeting houses, and the perquisites for the breaking of the ground in the cemetery or church yards, and in the said churches and meeting houses, for burying the dead, and all other matters relating to the temporal concerns and revenues of such church, congregation or society; and to appoint a clerk and treasurer of their board, and a collector to collect and receive the said rents and revenues, and to regulate the fees to be allowed to such clerk, treasurer and collector, and them or either of them to remove at pleasure, and appoint others in their stead; and such clerk shall enter all rules and orders made by such trustees, and payments ordered by them, in a book to be provided by them for that purpose.

Sec. 3. That it shall be lawful for the circuit court of any county of this State, where such church is situated, upon the application of any such religious corporation, in case it shall deem it proper, to make an order for the sale of any real estate belonging to such corporation, and to direct the application of the moneys arising therefrom by the said corporation,

to such uses as the same corporation, with the consent and approbation of such circuit court, shall conceive to be most for the interest of the society to which the real estate so sold did belong.

Approved March 21, 1865.

[No. 356.]

AN ACT to authorize the formation of corporations for literary and scientific purposes.

SECTION 1. *The People of the State of Michigan enact*, All corporations organized and established under the provisions of this act, shall be capable of suing and being sued in any court of this State, and may have a common seal, and alter and amend the same at pleasure; may elect in such a manner as they shall determine, all necessary officers, may fix their compensation and determine their duties, and make from time to time, such by-laws, not inconsistent with the constitution and laws of this State, as a majority of the members thereof shall direct. Powers of corporation.

Sec. 2. Any number of persons, not less than ten, who shall, by articles of agreement, in writing, associate according to the provisions of this act, under any name assumed by them for literary or scientific purposes, or both, and who shall comply with the provisions of this act, shall with their successors and assigns, constitute a body politic and corporate, in fact and name, under any name assumed by them in their articles of association: *Provided*, That no two societies shall assume the same name. Organization authorized.

Sec. 3. The articles of association of every such society, shall be signed by the persons associating in the first instance, and acknowledged before some person authorized by the laws of this State, to take acknowledgments of deeds, and shall state: Articles of association, how executed.

First. The names of the parties associating in the first instance, and their places of residence; Contents.

Second. The name of such corporation, and the place where its office for the transaction of business is located, and the period for which it is incorporated, not exceeding thirty years;

Third. The objects for which it is organized, which shall be only for the promotion of literary and scientific pursuits.

Where filed. Sec. 4. Before any corporation formed under this act, shall commence business, the persons associating shall cause their articles of association to be filed with the Secretary of State of this State, and with the county clerk of the county in this State, in which the office of said association for the transaction of business shall be located; and a certified copy of such articles, certified by the said officers, shall be presumptive evidence of the facts therein stated, and of the incorporation of such association.

Directors Sec. 5. The affairs of said corporation shall be managed by not less than five nor more than twenty directors, to be chosen for such period, and in such manner as the by-laws of such corporation shall provide, and who shall hold their offices until their successors are chosen; but such board may elect from their number an executive committee, of such number, and with such powers as the by-laws may provide.

Executive committee.

Powers of corporation Sec. 6. Any corporation formed under this act shall possess all the powers usually possessed by corporations, and may take by gift, purchase, devise or otherwise, and may hold property, both real and personal, to an amount not exceeding one hundred thousand dollars: *Provided*, That all property of such association shall be subject to taxation, except such property as shall be exempt under the provisions of subdivision eight, of section five, of chapter seventeen, of the compiled laws.

Provided:

Officers of corporation Sec. 7. The directors of every such corporation shall choose one of their number president, and such other officers as their articles of association and by-laws may require, who shall hold their offices one year, or until a majority of the members of said association shall choose others in their stead. The directors, for the time being, shall have power to fill any vacancy

Vacancies, how filled.

which may happen in their board by death, resignation or otherwise, for the current year.

Sec. 8. If it shall so happen that an election of directors shall not take place at the annual meeting, such corporation shall not thereby be dissolved, but the election may be held at any time thereafter, by the proper officer giving thirty days notice of the time and place of such election, in some newspaper published in the county in which said corporation holds its office for the transaction of business; and if no newspaper be published in said county, then such notice shall be published in some newspaper printed in the county nearest thereto.

Proceedings
when elec-
tion is not
held at
proper time

Approved March 21, 1865.

[No. 357.]

AN ACT to aid in the construction of the East Saginaw and Junction State road, and apply certain non-resident highway taxes thereon.

SECTION 1. *The People of the State of Michigan enact, That Samuel C. Munson be and he is hereby appointed commissioner to lay out and establish a State road from the south-east quarter of section eighteen, in township twelve north, of range five east, and from thence east on the south line of section fifteen, in township twelve north, of range six east, and until said section line intersects the Vassar and Bay City road, thence north-easterly to the north-east corner of section thirteen, where the Watrousville road intersects the county line.*

Commis-
sioner.

Sec. 2. That the highway taxes upon the non-resident lands north of the line of said road, in the townships of Buena Vista and Bloomfield, be and the same are hereby appropriated for the construction of said road, for a period of five years from the first day of January, one thousand eight hundred and sixty-five, to be expended as hereinafter provided.

Appropri-
ation of high-
way taxes.

Sec. 3. Any overseer of highways within any township through which such road may run, or any township treasurer thereof, having received any portion of such non-resident high-

Commuta-
tion money
to be paid to
commis-
sioner.

way tax for any portion of the period above specified, by way of commutation or otherwise, shall on demand of the special commissioner hereinbefore named in this act, pay over to him any sums so received, and the receipt of said commissioner shall release any such overseer or treasurer from any liability therefor.

Commissioner to file survey of road, etc.

Sec. 4. It shall be the duty of the said commissioner to file with the township clerks of the townships through which said road may pass, a full description of the route and survey of the said road, as surveyed and established by him, and also to make out and file with the county treasurer of the county of Saginaw, a description, by sections or subdivisions, of all non-resident lands lying north of the line of said road, and within the limits of the townships of Buena Vista and Bloomfield.

Commissioner to superintend expenditure of money.

Sec. 5. It shall be the duty of such special commissioner to superintend the expenditure of such sums of money as may be collected and received by him for the benefit and improvement of said road, and direct the manner the same shall be applied: *Provided*, That the said special commissioner shall lay out said road in accordance with the provisions of the general highway laws, so far as the same relates to assessing damages to private property over which said road may pass.

Report of com'r.

Sec. 6. It shall be the duty of said special commissioner to render to the board of supervisors of the county of Saginaw, at their annual session in each year, a true account, verified by his oath or affidavit, of the application and disbursement of all moneys that he may have received for constructing said road.

Bond of.

Sec. 7. Before the said special commissioner shall enter upon the duties of his office, he shall execute to, and file with the treasurer of Saginaw county, a bond with one or more sureties, to be approved by said treasurer, in double the amount estimated to come into his hands by virtue of his office, conditioned for the faithful performance of his duties as such commissioner.

Sec. 8. The said special commissioner shall receive as compensation for his services, two dollars per day while actually engaged as such commissioner, which amount shall be audited by the board of supervisors of Saginaw county, and paid out of the fund created by this act, and the account of said commissioner shall be verified by his oath or affidavit. ^{Compensation.}

Sec. 9. In case the above mentioned commissioner shall not accept of the appointment under this act, or any vacancy shall occur in the office of said Special commissioner, or the commissioner shall be removed for any cause, at any time, the county clerk, prosecuting attorney and judge of probate of Saginaw county, or a majority of them, are hereby authorized to remove said special commissioner upon a satisfactory showing that he has not discharged the duties of said office properly, and may appoint a special commissioner to fill such vacancy. ^{Vacancy, how filled.}

Sec. 10. All acts or parts of acts contravening with this act are hereby repealed. ^{Acts repealed.}

Approved March 21, 1865.

[No. 358.]

AN ACT to legalize the action of certain towns in Cass county, in paying bounties to volunteers.

SECTION 1. *The People of the State of Michigan enact, That* in case any township in Cass county shall have heretofore voted to raise money by tax, or to refund money advanced with the object and to the end of encouraging enlistments, by paying bounties to volunteers in the military service of the United States, such action shall be deemed legal and valid, and the money so voted to be raised or refunded, shall be deemed to have been legally voted, and shall be a valid and lawful claim against the township having voted the same, and shall be audited and paid in the same manner as the ordinary township expenses are paid. ^{Action legalized.}

Duty of
clerks.

Sec. 2. It shall be the duty of township clerks of such townships, in said county of Cass, on or before the first day of October in each year, to certify to the supervisors of their respective townships, the amount of indebtedness of said township, growing out of the payment of bounties to volunteers, as herein provided, together with interest, if any, computed up to the first day of February next ensuing, in the same manner as is now by law his duty to report, as to incidental expenses of his township; and it shall be the duty of such supervisor, as aforesaid, to incorporate said amount in the assessment roll of such township, as part of the incidental expenses of such township; and the treasurer of such township is authorized and required to collect and pay over such amounts, at the same time and in the same manner as other township taxes are by law required to be collected and paid over.

Of supervi-
sor.

Approved March 21, 1865.

[No. 359.]

AN ACT to vacate the present village plat of the village of Hubbardston, in the county of Ionia, and to legalize and establish a new plat therefor.

Plat altered
and amend-
ed.

SECTION 1. *The People of the State of Michigan enact, That the* village plat of the village of Hubbardston, in the county of Ionia, as surveyed and laid out by William Pitt, under date of the seventeenth day of June, eighteen hundred and fifty-six, and registered in the register's office at Ionia, be and the same is hereby altered and amended so as to conform to the plat made by S. C. Alderman, made in the fall of eighteen hundred and sixty-four, he being the sworn surveyor of Ionia county, be and the same is hereby substituted therefor: *Provided*, The said alteration and amendment shall not vacate any street in said village plat as now recorded, or in any way interfere with or divest any person of any vested rights acquired before the passage of this act.

Proviso

Sec. 2. This act shall take immediate effect.

Approved March 21, 1865.

[No. 360.]

AN ACT for creating and forming the thirteenth judicial district.

SECTION 1. *The People of the State of Michigan enact, That the counties of Mason, Lake, Manistee, Wexford, Missaukee, Benzie, Grand Traverse, Kalkaska, Leelanaw, Antrim, Otsego and Manitou, shall, on and after the first day of March, A. D. eighteen hundred and sixty-six, be formed into and be one judicial circuit, to be known and designated as the thirteenth judicial circuit.*

Sec. 2. The qualified voters of the several counties mentioned in the first section of this act, shall, on the first Monday in April, in the year eighteen hundred and sixty-six, at the regular annual township meeting, to be held in the respective townships of said counties at that time, elect a circuit judge, who shall hold his office, commencing on the first day of May, eighteen hundred and sixty-six, and ending on the first day of January, eighteen hundred and seventy, and until his successor is elected and qualified.

Sec. 3. It shall be the duty of the sheriffs of the several counties mentioned in the first section of this act, at least fifteen days previous to the first Monday in April, A. D. eighteen hundred and sixty-six, to notify the township clerks of the several townships in their respective counties, of the said election for circuit judge; and the township clerks shall post notices in the usual manner, for such election in their respective townships, at least five days previous to the day of the election.

Sec. 4. The election of judge for said circuit shall be conducted, and returns made as provided by law for the election of judges for the several judicial circuits of this State; and the State canvassers shall without delay, on the receipt of the certified statement of the votes given in the several counties, proceed to canvass said votes, and deliver to the person determined elected, a copy of such determination, as required by law; and no person shall hold the office of judge of said judicial circuit unless he shall be a resident thereof.

Terms of
court.

Sec. 5. The judge of the thirteenth judicial circuit, shall hold the terms of court, in the several counties mentioned in the first section of this act, for the year eighteen hundred and sixty-

Jurisdiction

six, at the times heretofore fixed for the same, and shall have jurisdiction in all judgments, decrees, records, files, books, papers, suits, prosecutions, causes and proceedings, then being and pending in the circuit court for said counties.

Acts re-
pealed.

Sec. 6 All acts or parts of acts contravening the provisions of this act, are hereby repealed.

Approved March 21, 1865.

[No. 361.]

AN ACT to detach certain sections from the township of White Rock, and attach the same to the township of Rock, in the county of Huron, and to change the names of said townships.

Sections
detached.

SECTION 1. *The People of the State of Michigan enact, That sections one, twelve, thirteen, twenty-four, twenty-five and thirty-six, of township fifteen north, of range fifteen east, are hereby detached from the township of White Rock, and attached to the township of Rock, in the county of Huron.*

Name
changed.

Sec. 2. The name of the township of Rock is hereby changed to White Rock, and the name of the township of White Rock is hereby changed to Sherman.

Approved March 21, 1865.

[No. 362.]

AN ACT to amend an act entitled an act to amend section four of an act entitled an act to provide [for] the drainage and reclamation of swamp lands in township six north, of range fourteen and fifteen west, and to aid the township of Holland in the improvement of the harbor at the mouth of North Black river, in said township, approved January twenty-ninth, eighteen hundred and sixty-three.

SECTION 1. *The People of the State of Michigan enact, That* section four of an act entitled an act to amend section four of ^{Section amended.} an act entitled an act to provide for the drainage and reclamation of swamp lands in township six north, of range fourteen and fifteen west, and to aid the township of Holland in the improvement of the harbor at the mouth of North Black river, in said township, be and the same is hereby altered and amended so as to read as follows:

Sec. 4. Upon the certificate of the said board, appointed for ^{When Com'r of Land Office may issue certificate.} the improvement of said harbor, that work and labor to the amount of twenty thousand dollars, has been done and expended upon said drainage and reclamation, or upon said harbor improvement, which said certificate shall be verified to the satisfaction of said Commissioner of the State Land Office, it shall be the duty of said Commissioner to issue his certificate of purchase in the name of, and to the said harbor commissioners, for the use and benefit of said township of Holland, for all the swamp land remaining unsold in said townships numbered six, in range fourteen and fifteen west, in the county of Ottawa, at such time or times and in such sums, (not less than the smallest legal subdivision under the laws of the United States,) as said harbor commissioners shall demand.

Approved March 21, 1865.

[No. 363.]

AN ACT to provide a tax for the expenses of the State government.

SECTION 1. *The People of the State of Michigan enact, That* three and two-tenths mill on the dollar, of the aggregate of the real and personal estate, as equalized by the State board of equalization for the year eighteen hundred and sixty-one, be levied and collected upon the taxable property of the State, for the year eighteen hundred and sixty-five, and that two and seven-tenths mill on the dollar of the real and personal estate, as equalized by the State board of equalization for the year eighteen hundred and sixty-one, be levied and collected upon the taxable property of the State, for the year eighteen hundred and sixty-six, and the same is hereby appropriated for the payment of the expenses of the State government, and the interest upon the State debt not otherwise provided for.

Auditor
General to
apportion
and trans-
mit to coun-
ties.

Sec. 2. The Auditor General shall apportion each year, the sums herein directed to be raised, among the several counties, in proportion to the taxable property therein, as determined by the State board of equalization; and he shall, on or before the fifteenth day of September in each year, make out and transmit to the clerk of the several boards of supervisors, the amount of such tax so apportioned by him to the county, and shall charge the several amounts of such apportionment to the counties respectively.

Approved March 21, 1865.

[No. 364.]

AN ACT to legalize the action of the electors of the township of Flint, in the county of Genesee, for the purpose of raising bounties to fill the quota of said township under the last call of the President for troops.

SECTION 1. *The People of the State of Michigan enact, That* the township board of the township of Flint, in the county of Genesee, is hereby authorized to issue the bonds of said town-

Issue of
bonds au-
thorized.

ship in sums not exceeding one hundred dollars, and amount- Amount.
 ing in the aggregate to not more than two thousand dollars,
 payable within five years from the passage of this act, with in-
 terest at seven per cent. per annum, for the purpose of re-pay- ^{Purposes of}
 ing moneys pledged and contributed for the purpose of paying ^{issue.}
 bounties, not exceeding two hundred dollars to each volunteer,
 to fill the quota of said township under the last call of the
 President of the United States for troops in the military and
 naval service.

Sec. 2. Said bonds shall be a lawful charge upon said town- ^{Assessment}
 ship, and shall be assessed, levied, collected and paid in the ^{and collec-}
 same manner as ordinary expenses or liabilities of such township ^{tion of.}
 are assessed, levied, collected and paid.

Sec. 3. This act shall take immediate effect.

Approved March 21, 1865.

[No. 365.]

AN ACT to incorporate the city of Bay City.

SECTION 1. *The People of the State of Michigan enact, That*
 so much of the township of Hampton, in the county of Bay, as is ^{Boundaries.}
 included in the following limits, to wit: beginning at a point in
 the centre of Saginaw river, where the south line of section
 number twenty-nine, in township number fourteen north, of
 range number five east, crosses said Saginaw river; thence east
 along said south line of section twenty-nine and the south line of
 sections twenty-eight and twenty-seven, to the quarter post on
 the said south line of said section twenty-seven; thence north,
 on the quarter line of said section twenty-seven and sections
 twenty-two and fifteen, to the centre of the Saginaw river; thence
 southerly, along the centre of said Saginaw river to the place
 of beginning, excepting therefrom the north twenty acres of
 the south-west fractional part of section twenty-two, be and
 the same is hereby set off from said township
 and declared to be a city by the name of the *city of Hampton,*
of Bay City.

Name of corporation.	Sec. 2. The inhabitants of said city shall be a corporation by the name of the city of Bay City, and by that name it shall be
Powers of.	known in law, and shall be capable of suing and being sued, and of prosecuting and defending all suits; may have and use a common seal, and alter it at pleasure; and shall be capable of purchasing, holding and disposing of real and personal estate for the use of said corporation.
Wards.	Sec. 3. The said city shall be divided into three wards: the
First.	first ward shall include all that portion of the said city lying north of the continuous line of the centre of Fourth street;
Second.	the second ward shall include all that portion of said city lying between the continuous lines of the centre of Fourth and Sixth
Third.	streets; the third ward shall include all that portion of the city lying south of the continuous line of the centre of Sixth street.
City officers	Sec. 4. The officers of said city shall be one mayor, one recorder, who shall be ex-officio school inspector, one treasurer, who shall be ex-officio collector, one marshal, two school inspectors, two directors of the poor, one city attorney, three
Ward officers.	justices of the peace and two aldermen for each ward, and one constable for each ward. Said officers shall be elected as follows,
Terms of.	to wit: the mayor, treasurer and marshal shall be elected annually, and shall hold their offices for one year, and until their
Recorder.	successors shall be elected and qualified; at the first annual election after the passage of this act, and at the annual election every two years thereafter, there shall be elected one recorder, who shall hold his office for the term of two years, and until
School inspector.	his successor shall be elected and qualified; there shall also be elected annually one school inspector and one director of the
Justices of the peace.	poor for the term of two years, and until their successors shall be elected and qualified; at the first annual election that shall take place after the passage of this act, there shall be elected three justices of the peace, one for one year, one for two years and one for three years, and who shall severally hold their offices accordingly; at every annual election after the first there shall be elected one justice of the peace, who shall hold his office for three years, and until his successor shall be

elected and qualified; the said justices of the peace shall ^{have} powers of. have like powers and be subject to the same duties and liabilities as justices of the peace in the several townships of this State; there shall also be elected at the first annual election in said city, two aldermen for each of the several wards in said city, one of whom shall hold his office for the term of one year, and the other shall also be supervisor for his ward for ^{Supervisors} the last year of his term of office, and who shall hold his office for the term of two years, and until his successor shall be elected and qualified; at each annual election after the first, there shall ^{Aldermen.} be elected in and for each of the several wards in said city, one alderman who shall be supervisor in his ward for the last year of his term of office, and who shall hold his office for the term of two years, and until his successor shall be elected and qualified; there shall also be elected at each annual election, ^{Constables.} one constable who shall hold his office for the term of one year: *Provided,* That at the first election under this charter there ^{Provide.} shall be elected in each of the wards of the city, one supervisor, who for the year eighteen hundred and sixty-five, and until the second annual election under this charter, shall be the supervisor of the ward of which he is elected, with all the powers of the supervisors of the towns within this State, and subject in all respects to provisions of law regulating the duties of township supervisors, and such other duties as may in this act be required of them.

Sec. 5. The first annual election to be held under this act shall be held in each of the several wards on the first Monday of April, eighteen hundred and sixty-five, at the following places, to wit: in the first ward, at the circuit court room; in ^{First election.} the second ward, at the recorder's office; in the third ward, at the house of Valentine Nickel; and there shall be chosen at said election, in each of said wards, by the electors present, ^{Judges and clerk of.} two judges and a clerk of said election, each of whom shall ^{Oath of.} take an oath or affirmation, to be administered by either of the others, faithfully and honestly to discharge the duties required

Duties of.	of him as judge or clerk of such election, and shall conduct the same and certify the result in the same manner as is herein required for subsequent elections to be held under this charter;
Annual elections.	the Annual election after the first under this act, shall be held on the first Monday of April in each year, at such places in each of the several wards as the common council may designate; notice thereof shall be given by the recorder, at least eight days before the election, by posting the same in three public places in each ward; the aldermen in each ward shall be inspectors of such election, and of the State and county elections, and shall choose the clerks thereof; and in case of the absence of one or more of such inspectors, the electors may choose <i>viva voce</i> , from their number, one or more to fill such vacancy or vacancies, to whom shall be administered the constitutional oath by either of said inspectors or by any justice of the peace; the manner of conducting all elections, and canvassing votes, and the qualifications of electors in the several wards shall be the same as that of townships, the word "ward," instead of "township," being used in the oath to be administered to an elector, in case his vote shall be challenged:
Notice thereof.	
Inspectors	
Clerks.	
Proceedings when inspectors are absent.	<i>Provided</i> , That at such charter elections the said ward inspectors shall make one certificate of the number of votes given for each person for the several offices to be filled in and for said city, and also one certificate of the officers elected in and for each ward, which certificate shall be immediately filed in the office of the recorder of said city; and upon the Thursday next following the day of such elections, the common council shall meet at the office of said recorder, and thereupon determine who, by the greatest number of votes given in the several wards at such election, are duly elected to fill their respective city offices; and it shall be the duty of said recorder, immediately after such determination, to cause notice to be given to each of the persons elected, of their election; and each of said officers so elected and notified, shall within ten days thereafter, take and subscribe the constitutional oaths of office before any person authorized to administer oaths, and shall deliver the
Elections, how conducted.	
Certificate of election.	
Determination as to who are elected.	
Notice to persons elected.	
Oath of officers.	

same to said recorder, who shall file the same in his office:

Provided, That in case of the election of one or more justices of the peace, the said recorder shall make a certificate thereof, and cause it to be delivered to the county clerk, in the same manner as is required of township clerks; and in case two or more persons shall receive, for the same office, an equal number and not a plurality of votes given at such election, the common council shall immediately proceed to determine by lot between the persons receiving the highest number of votes, who shall be considered elected to such office. In case any of the officers so elected shall neglect, for a term of ten days, to qualify as aforesaid, the office shall thereby become vacant.

Sec. 6. The mayor, recorder and aldermen, when assembled together and organized, shall constitute the common council of the city of Bay City, and a majority of the whole, the mayor or recorder always being one, shall be necessary to constitute a quorum for the transaction of business, but a less number may adjourn from time to time; and the common council may be summoned to hold their meetings at such time and place as the mayor, or in case of his absence or inability for any cause to act, the recorder may appoint. The common council shall have power to impose, levy and collect such fines as they may deem proper, not exceeding five dollars, for the non-attendance at any meetings, of any officer of the corporation who has been duly notified to attend the same. The mayor shall preside at all meetings of the common council, and the recorder shall keep a record of the proceedings of the same. In case of the absence of the mayor or recorder from the meeting, the members present may appoint a president or recorder *pro tempore*. The mayor and recorder shall not be entitled to a vote, except as presiding officer, in case of a tie, and no alderman shall be allowed to vote on any question in which he shall have a direct personal interest, but upon all other questions he shall vote.

Sec. 7. The common council shall appoint an attorney and a street commissioner for the city, and shall have power to appoint a chief engineer for the fire department, and such other

officers, whose election is not herein specially provided for, as they may deem necessary to carry into effect the powers granted by this act, and remove the same at pleasure; they shall also have power to remove the marshal and treasurer for any violation of the ordinances of the common council; and in case of the death, the resignation or removal from office, or neglect to qualify, or removal from the city or ward for which he has been elected, of any officer of the corporation, the common council shall, as soon as may be, appoint an officer to fill such vacancy for the unexpired portion of the year; and all officers so appointed, shall be notified and qualify as herein directed: *Provided*, That the common council may at any time order a special election to fill a vacancy in any office which is elective under this act.

Police. Sec. 8. The common council shall have power to organize, maintain and regulate a police of the city, and to make all such by-laws and ordinances as they shall deem necessary for the preservation of the public peace, for the suppression of riots, for the apprehension and punishment of vagrants, drunkards and disorderly persons, and to suppress all disorderly houses and houses of ill-fame; to prohibit every species of gaming; for the prevention and abatement of all nuisances within the limits of the city; to prevent the selling or giving away any spirituous liquors or fermented liquors to any drunkard; to regulate the keeping of gunpowder, and to prevent the violation of the Sabbath, and to prevent the discharge of every species of fire-arms, and the disturbance of any religious congregation, or any other public meeting assembled for any lawful purpose; to provide against and punish immoderate riding or driving in any of the streets of the city; and for the purpose of carrying into effect the powers conferred by this section, the common council shall have power to prescribe in any by-law or ordinance which may be made by them, that the person offending against the same shall forfeit and pay such fine as they shall deem proper, not exceeding one hundred dollars, or be imprisoned in the county jail for a term not ex-

ceeding sixty days, or the common council may, in such by-law or ordinance, direct that the offender shall be punished by fine or imprisonment, or by both fine and imprisonment, (within the limits aforesaid,) in the discretion of the court who shall try the offender.

Sec. 9. The common council shall have authority to assess, Taxes. levy and collect taxes on all real and personal estate taxable in said city, which taxes shall be and remain a lien on the property so assessed; until the same shall be paid: *Provided*, Limitation. That they shall not raise, by general tax, more than two thousand dollars in any one year, exclusive of school taxes and taxes for highway purposes, unless authorized thereto by vote of the property-holding tax payers of said city, who are electors, when convened for that purpose pursuant to previous notice.

Sec. 10. All State, county and school taxes in said city, and all city taxes which shall be raised by general tax, shall be levied and collected, as near as may be, in the same manner as is provided by law for the assessment and collection of taxes by township officers; and all the proceedings for the return, Levy and collection of taxes. sale and redemption of real estate for the non-payment of taxes, shall be in conformity with the proceedings for the return, Return, sales, etc., for non-payment. sale and redemption of real estate by township officers.

Sec. 11. Whenever the common council shall deem it necessary to raise a greater sum in any one year than two thousand dollars, exclusive of taxes for school and highway purposes, they shall give at least five days notice, in writing, to be posted in five public places in said city, which notice shall state the time and place of such meeting, and shall specify the objects and purposes for which the money proposed to be raised shall be expended; and when such meeting shall be assembled, in pursuance of said notice, such electors, by a viva voce vote, shall determine the amount of money which shall be raised for each object specified in the notice: *Provided*, That such tax shall Called meeting for the purpose of raising an extra amt of taxes. not in any one year, exceed two per centum upon the valuation of the real and personal estate taxable within the limits of said city: *And provided also*, That not more than two such meetings Proceedings of meeting. Limitation. Provide.

Who to
preside

shall be held in any one year, to determine the amount of tax to be raised. At all such meetings the mayor, or in his absence, the recorder, shall preside.

Apportion-
ment of tax.

Sec. 12. Whenever the common council shall be authorized, by a vote of the property-holders of said city, to raise a tax for any specific purpose, it shall be lawful for the common council to apportion such tax upon the property according to the valuation, as contained in the last city assessment roll, and shall place the tax in a column opposite the property; and when such roll is completed, the recorder shall make and deliver a copy thereof to the city treasurer, together with a warrant signed by the mayor and recorder, commanding the treasurer to collect the same and make return of his proceedings by virtue of said warrant, within a time in said warrant to be specified, not less than thirty nor more than ninety days from the date thereof; and it shall be the duty of the treasurer to collect said taxes within the time specified in said warrant, or within such further time as the common council may by resolution direct.

Copy of roll
to be deliv-
ered to
treasurer.

Treasurer to
collect tax.

Council to
provide for
the assess-
ment and
collection of
taxes.

Proviso.

Sec. 13. The common council may, by ordinance, provide for the collection of taxes and assessments necessary to be raised, other than such as may be raised as provided in section ten, and for the sale of any real estate for the non-payment of such tax or assessment, and for the redemption thereof: *Provided*, That all proceedings relative to the notice of sale and time to redeem, shall be in conformity, as near as may be, to the provisions of law regulating the notice of sale and redemption of lands delinquent for township taxes.

Expense of
sidewalks,
sewers, etc.

Sec. 14. The common council shall have power to cause the expense of making, grading, paving or planking side-walks, of making drains and sewers, and other local improvements, to be assessed against the owners or occupants of the lots or premises which are in front of or adjoining such improvements, or by general tax, as they may deem just and proper; and the common council shall have power to make all by-laws and ordinances relative to the mode of assessing, levying and col-

Assessment
and collec-
tion of

lecting such tax, and they may, by such by-laws and ordinances, provide that the real estate assessed for such improvements may be sold to pay such assessment.

Sec. 15. The common council shall have authority to make all by-laws and ordinances relative to the powers, duties and compensation of the officers of said corporation, subject to the restriction as to the compensation of officers mentioned in this act; relative to the calling of meetings of the electors of this city; to licensing showmen and exhibitions, where money or other consideration is demanded or received for admission, and to fix the amount of such licenses; to protect and regulate all public grave yards, and the burial of the dead in said city; to direct the number of, and license inn-keepers and common victualers; to provide for the collection and disposition of all fines and penalties which may be incurred under the by-laws and ordinances of said city; to prevent swine, cattle, horses, dogs, and other animals from running at large in said city, and to establish one or more pounds therein; to regulate the measuring and selling firewood, weighing hay, setting awning and other posts and shade trees in the streets; to lay out, establish, make, alter and regulate market places and public parks within the limits of said city, and to make all such other by-laws, ordinances and regulations for the purpose of carrying into effect the powers conferred by this act which they may deem necessary to provide for the safety and good government of said city, and to preserve the health and protect the property of the inhabitants thereof; and to this end the common council may impose fines and penalties for any violation of the by-laws and ordinances which may be made by them as aforesaid: *Provided*, That no by-law or ordinance shall impose a fine exceeding one hundred dollars, nor subject the offenders to imprisonment in the county jail exceeding thirty days: *And provided further*, That no by-law or ordinance of the common council, subjecting any person to fine or imprisonment, shall be of any effect until the same shall have been published for two weeks successively in a newspaper in said city.

Common council authorized to make by-laws and ordinances.

Meetings of electors. Showmen.

Cemeteries.

Inn keepers. Collection of fines.

Prevent animals from running at large.

Pounds.

Weighing hay, etc.

Shade trees.

Markets.

Public safety.

Public health. Fines and penalties.

Limitation

By-laws relative to fines to be published.

Citizens
competent
to act as
jurors.

Sec. 16. In all suits in which the corporation of the city of Bay City shall be a party or shall be interested, no inhabitant of said city shall be deemed incompetent as a witness or a juror, on account of his interest in the event of such suit or action:

Proviso.

Provided, Such interest be such only as he has in common with the inhabitants of said city.

Violation of
by-laws.

Sec. 17. In all trials before any justice of the peace, of any person charged with the violation of any by law or ordinance of the common council, either party shall be entitled to a jury

Trial, how
conducted.

of six persons; and all the proceedings for the summoning of such jury, and in the trial of the cause, shall be in conformity, as near as may be, with the mode of proceeding in similar

Appeal.

cases before justices of the peace, and in all cases, civil and criminal, he shall have the right of appeal from the justice's court to the circuit court, and shall abide the order of the court therein on the same terms as is or may be required by law in appeals from justices' courts in similar cases.

Suit for re-
covery of
fine.

Sec. 18. All fines imposed by any by-law or ordinance of the common council, may be sued for by the attorney of the city, in his own name or in the name of the corporation, before any

Execution.

justice of the peace of said city; and whenever any fine shall be imposed by any justice of the peace, for a violation of any ordinance of the common council, it shall be the duty of the justice forthwith to issue an execution to the marshal of the city, commanding him to collect of the goods and chattels of the person so offending, the amount of such fine with interest and costs, and for the want of goods and chattels wherewith to satisfy the same, that he take the body of the defendant and commit him to the common jail of the county; and the sheriff shall safely keep the body of the person so committed until he be discharged by due course of law, and the defendant shall remain in prison until the execution, with the fees of the

Commit-
ment to
jail.

Council may
remit fine.

sheriff, shall be paid: *Provided*, That the common council may remit such fine, in whole or in part, if it shall be made to appear that the person so committed is unable to pay the same.

Sec. 19. The common council shall have power to assess and ^{Pol. tax.} collect from every male inhabitant of said city, over the age of twenty-one and under fifty years, (except paupers, idiots and lunatics,) an annual capitation or poll tax, not exceeding one dollar, and they may provide by their by-laws for the collection of the same: *Provided*, That any person assessed for a poll tax ^{Mry be paid in labor.} may pay the same by one day's labor upon the streets, under the direction of the street commissioners, who shall give to each person assessed, notice of the time and place when and where such labor will be required; and the money raised by ^{Money and labor, how expended.} such poll tax, or labor in lieu thereof, shall be expended or performed under the direction of the common council.

Sec. 20. The common council of said city is hereby authorized and required to perform the same duties in and for said city as are by law imposed upon the township boards of the several townships in this State in reference to schools, school taxes, county and State taxes, the support of the poor, and State, district and county elections; and the supervisors, justices of the peace, recorder, school inspectors, directors of the poor, and all other officers of said city who are required to perform the duties of township officers of this State, shall take the oath, give the bond, perform like duties, and receive the same pay and in the same manner, and be subject to the same liabilities as is provided for the corresponding township officers, except as is otherwise provided in this act, or as may be provided by the ordinances of the common council. ^{Powers of council relative to schools.} ^{Powers and compensation of officers.}

Sec. 21. The common council may at any time require an officer, whether elected or appointed, to execute and file with the recorder of the city, new official bonds in the same, or in such further sums, and with new or such further sureties as said council may deem requisite for the interest of the corporation. ^{Renewal of bonds.}

Sec. 22. The common council may expel or remove from office any of its own members, or any other officer holding office by election, except the mayor and recorder, for corrupt ^{Council may remove officers.}

or willful malfeasance or misfeasance in office, or willful neglect of the duties of his office, by a vote of two-thirds of all the aldermen elect; and in such case, the reasons for expulsion or removal shall be entered on the records of the common council, with the name and votes of the members voting on the question. No officer holding office by election shall be expelled or removed by said council, unless first furnished with a copy of

Officers to be furnished with charge's

the charges in writing, and allowed to be heard in his defense, with aid of counsel; and for the purpose hereof, the common council shall have power to issue subpoenas, to compel the attendance of witnesses and the production of papers, when necessary, and shall proceed within ten days after service of a copy of the charges, to hear and determine upon the merits of the case. If such officer shall neglect to appear and answer such charges, his default may be deemed good cause for removal from office.

Witnesses.

Style of ordinances.

Sec. 23. The style of all ordinances of the common council shall be, "it is hereby ordained by the common council of the city of Bay City."

Proceedings of council to be public.

Sec. 24. All meetings of the common council shall be public, and its proceedings and records shall be open to public inspection, at reasonable times.

Right of petition

Sec. 25. The inhabitants of said city shall have the right to petition the common council.

Powers of council relative to its members.

Sec. 26. The common council shall be the judge of the election and qualifications of its own members, and shall have the power to determine contested elections, to compel the attendance of absent members, to determine the rules of its proceedings, and pass all by-laws and rules necessary and convenient for the transaction of business, and not inconsistent with the provisions of this act.

Appointments, etc., how made.

Sec. 27. All appointments to office shall be made, and all assessments be ordered by a majority vote of all aldermen

Removals.

elect; and removals from office shall be made by the like vote, except in cases where by this act a different vote may be required.

Sec. 28. The common council, in addition to its powers Council to have exclusive power within city limits. under this act, and subject to and consistent with its provisions, shall have exclusive power within the limits and jurisdiction of the corporation—

First. To provide for and preserve the purity and salubrity Partly of public waters. of the waters of the Saginaw river; to prohibit and prevent the depositing therein of all filthy and other matter tending to render said water impure, unwholesome or offensive; to pre- Navigation. serve and regulate the navigation of the said river, within the limits of said city; to prohibit and prevent the depositing or keeping therein any structure, earth or substance tending to obstruct or impair the navigation thereof, and remove all obstructions that may at any time occur therein, and to direct and regulate the stationing, anchoring and mooring of vessels, and laying out of cargoes and ballast from the same;

Second. To license, continue and regulate so many ferries Ferries. from within said city, to the opposite shore of Saginaw river, for carrying and transporting persons and property across said river, in such manner as shall seem most conducive to the public good;

Third. To erect, repair and regulate public wharves and Wharves. docks at the ends of streets and on the property of the corporation; to regulate the erection and repair of private wharves and docks, so that they shall not extend into the Saginaw river, beyond a certain line to be established by the common council; and to prohibit the encumbering of all public wharves and docks with boxes, carriages, carts drays, sleighs, sleds or other vehicles or thing whatsoever;

Fourth. To lease the wharves and wharfing privileges at the To lease; streets for wharves. ends of streets on the Saginaw river, in said city, upon such terms and conditions, and under such covenants, and with such remedies in case of non-performance, as the common council may direct, and may determine what buildings may be erected thereon; no lease thereof shall be executed for a longer period than ten years, and a free passage at all times shall be secured for all persons with their baggage, over said public wharves;

Drainage of
swamps

Process of
thereon.

Fifth. To provide for the draining of any swamp, marsh or low lands in said city, or within the distance of three miles the from, by the opening of ditches; but a jury of not less than six disinterested freeholders of the county of Bay, before any proposed ditch can be opened, shall ascertain that the opening thereof is necessary or proper, also whether the benefits which will accrue to the owner or owners of any land from the opening of the ditch, will or will not be equal to any damages he or they will sustain thereby; if such benefits are exceeded by the damages, they shall ascertain and certify the damages to which the owner or owners will be entitled, after deducting therefrom the amount of benefits their land will receive from the opening of the proposed ditch; on payment or tender of the damages thus ascertained and certified, the common council shall have the power to enter upon any land through which the proposed ditch will run, with the necessary agents, teams and implements to cut and open said ditch, to protect, clean and scour it from time to time, so as to preserve its original dimensions, and to prohibit and prevent all obstructions thereof or injury thereto;

Construct'n
of buildings,
etc.

Sixth. To prohibit and prevent the location or construction of any wooden or frame house, store, shop or other building on such streets, alleys and places, or within such limits in said city as the common council may, from time to time prescribe; to prohibit and prevent the removing of wooden or frame buildings from any part of said city to any lot on such streets, alleys and places, or within said limits, and the re-building and repairing of the same; to prevent the re-building or repairing of wooden buildings on said streets, alleys and places, or within said limits, when damaged by fire or otherwise;

Inspectors,
etc.

Seventh. To appoint one or more inspectors, measurers, weighers and gaugers of articles to be measured, inspected, weighed and gauged; to prescribe and regulate their powers and duties, fees and compensation;

Paupers.

Eighth. To provide for the protection and care of paupers, and to prohibit and prevent all persons from bringing in ves-

sels, or in any other mode, to said city, from any other port or place, any pauper or other person likely to become a charge upon said city, and to punish therefor; -

Ninth. To erect and provide for the erection of a city hall, and all needful buildings and offices for the use of the corporation or of its officers, and to control and regulate the same. City hall and officers.

Sec. 29. The common council shall have power to make all such by-laws and ordinances as they shall deem necessary and proper, to secure said city, and the inhabitants thereof, against injuries by fire; to compel the owners or occupiers of buildings to procure and keep in readiness such number of fire-buckets as they may direct; to establish, maintain and regulate all such fire engine, hook and ladder and hose and bucket companies as they may deem expedient; to construct reservoirs, and provide such companies with necessary and proper buildings, engines and other implements, to prevent and extinguish fires; to appoint from among the inhabitants of said city such number of persons, not exceeding sixty to one company, as are willing to accept, or as may be deemed proper to be employed as firemen; and every such company shall have power to appoint its own officers, and to pass by-laws for its organization and government, subject to the approval of the common council, and to impose and collect such fines for the non-attendance or neglect of duty of its members as may be deemed necessary and proper; and every person belonging to such company shall annually obtain from the recorder a certificate, which shall be *prima facie* evidence of his membership for one year from the date thereof. Every member of such company, during his membership, shall be exempt from service on juries, from military duty in time of peace, and from payment of poll tax. Precautions against fire. Fire companies, &c. Powers of fire companies. Certificate of membership. Exemptions of firemen.

Sec. 30. It shall be the duty of each company to keep in good order and repair its fire engines, hose, ladders and other implements; to assemble at least once in each month for the purpose of working its engine; and upon any alarm or breaking out of fire in this said city, each company shall forthwith assemble at the place of such fire, with its fire engine and im- Duties of company.

plements, and be subject to the orders of the chief engineer of the fire department.

Duty of
marshal in
case of fire.

Sec. 31. Upon the breaking out of any fire in said city, the marshal shall immediately repair to the place of such fire, and aid and assist as well in extinguishing the fire, as in preventing any goods or property from being stolen or injured, and in protecting, removing and securing the same, for which purpose, and as chief of police, he may require the assistance of all bystanders; and in the performance of his said duties, the marshal shall in all respects be subject to the orders of the mayor, or such of the aldermen as may be present.

Public
health.

Sec. 32. The common council shall have power, and it shall be their duty to adopt measures for the preservation of the public health of said city; to restrain or prohibit the exercise of any unwholesome or dangerous avocation within the limits of said city; to establish a board of health, and to invest it with such power, and to impose upon it such duties as shall be necessary to secure the inhabitants of said city from contagious, malignant and infectious diseases; to provide for its proper organization, and for the appointment of proper officers; and they shall have authority to make all such by-laws and regulations for the government of such board of health, and for the preservation of the health of the inhabitants of said city, as shall secure prompt and efficient discharge of the duties imposed upon the common council by this act.

Work upon
streets.

Side-walks.

Obstructing
streets, etc.

Streets.
grade, etc.

Proceedings
when pri-
vate prop-
erty is in-
vaded, etc.

Sec. 33. The common council shall have power to regulate the time and manner of working upon the streets, lanes and alleys in said city; to provide for the grading, planking or paving and railing the side-walks, and to provide the width thereof; to prevent the obstruction or incumbering any of the streets, lanes, alleys, side-walks or public grounds in said city; to lay out, open, make, grade and repair streets, lanes and alleys, and the same to alter and vacate, and to alter and vacate those already laid out. If in laying out or altering any street, lane or highway, the common council shall require for such purpose the ground of any person, they shall give notice

thereof to the owner or person interested, or his or their agent or representative, by personal service or by written notice, posted in three of the most public places in said city, at least three weeks next preceding the meeting of said common council, for the purposes aforesaid; and the common council are authorized to treat with such person or persons, for such ground or premises; and if such person or persons shall refuse to treat for the same, or if the parties cannot agree therefor, it shall and may be lawful for the mayor or recorder of said city to issue a *venire facias* to command the marshal of said city to summon and return a jury of twelve disinterested freeholders, to be taken within the limits of said city, to appear before said mayor or recorder, at any place to be therein stated, to inquire into and determine the necessity for using such grounds, and the just compensation to be paid therefor to the owner or owners of, or parties interested in said grounds or premises, which jury, being first duly sworn by said mayor or recorder, faithfully and impartially to inquire into the necessity for taking or using such grounds, and to ascertain and determine the just compensation to be paid therefor, and having viewed the premises, if necessary, shall inquire of and assess such damages and recompense as they shall judge fit to be awarded to the owner or owners, or the parties interested in such grounds or premises, for their respective injuries, according to the several interests or estates therein; and the said mayor or recorder shall, upon the return of such assessment or verdict, enter judgment therefor, confirming the same; and such sum or sums so assessed, together with all costs, shall be paid or legally tendered before such street, lane or alley shall be made, laid out, altered or opened, to the claimant or claimants thereof. It shall thereupon be lawful for said common council to cause such grounds to be occupied for the purposes aforesaid: *Provided*, That any person claiming damages as aforesaid, may have the right to remove such proceedings, by appeal to the circuit court or any court of competent jurisdiction, upon giving notice of his, or her, or their intention so to do, to said mayor

or recorder, in writing, within ten days; or in case of the absence of said party from said city at the time of the rendition of said judgment, when within thirty days after the verdict of such [jury,] and the judgment of such mayor or recorder. Upon filing a transcript of the proceedings aforesaid, duly certified by said mayor or recorder, within forty days after the verdict and judgment as aforesaid, in the circuit or any other court of record having appellate jurisdiction, the same proceedings shall be had as is prescribed by law in other cases of appeal: *Provided*, That if the final judgment for damages shall not exceed the damages assessed before the mayor or recorder, at least five dollars, then the party appealing shall pay all costs occasioned by such appeal.

Evidences
of indebted-
ness, how
issued.

Sec. 34. No bond or note, or other obligation or evidence of indebtedness of said corporation, shall be given or issued by said corporation except as provided in section seventy-nine of this act, or by any officer thereof, in his official capacity, whereby the said city shall become obligated to pay any sum of money; but the common council may endorse on all accounts which may be presented against said city, the amount allowed by them thereon.

Annual re-
port of com-
mon council

Contents of.

Sec. 35. The common council shall, in the month of March in each year, make out a detailed statement of all receipts and expenditures of the corporation for the past year, which statement shall state particularly upon what account all moneys were received, and it shall also specify all appropriations made by the common council during the year, and the particular purpose for which each appropriation was made; such statement shall be signed by the mayor and recorder, and be recorded and filed in the recorder's office; a copy thereof shall be published in a newspaper printed in said city for at least two weeks.

Compensa-
tion of city
officers

Mayor.

Sec. 36. The officers of said corporation shall be entitled to receive out of the city treasury the following sums in full payment for their services: the mayor shall be paid one hundred

dollars per annum; the recorder and attorney shall be entitled Recorder and attorney. to receive, respectively, such sum as the common council shall allow, not exceeding one hundred and fifty dollars per annum; the marshal shall be entitled to receive the same fees for Marshal. serving process in behalf of the corporation, as constables are by law allowed for similar services, and he shall also receive such further compensation as the common council shall allow; the treasurer, justices of the peace and constables shall be al- Treasurer, justices and constables. lowed the same fees as are by law allowed to corresponding township officers, unless in this act otherwise provided; the Street commissioner. street commissioner shall be entitled to receive one dollar and fifty cents per day for his services, and at the same rate for parts of a day actually employed. The directors of the poor, Directors of the poor. school inspectors, and all other officers of said city, not other- School inspectors. wise provided for, shall be entitled to receive such compensation as the common council shall allow, not exceeding two dollars per day for every day actually employed in the performance of the duties of their respective offices.

Sec. 37. The mayor shall be chief executive officer of the city Powers and duties of mayor. of Bay City, and conservator of the peace. It shall be his duty to see that all officers of said city shall faithfully comply with and discharge their official duties; to see that all laws pertaining to the municipal government of said city, and all ordinances and resolutions of the common council be faithfully observed and executed, and he shall have power, in his discretion, to report to the common council any violations thereof. He shall from time to time give to the common council such information and recommend such measures as he shall deem necessary or expedient.

Sec: 38. The mayor shall, by virtue of his office, be author- May take acknowledgment, etc.] ized to take the acknowledgment of deeds and other instruments in writing, to administer oaths and affirmations, perform marriage ceremonies, and do all other like acts which justices of the peace are by law authorized to do, and may affix to any official certificate the seal of the city.

Recorder. Sec. 39. The recorder shall, by virtue of his office, be a justice of the peace, with all the like powers and duties as other justices of the peace in said city, and shall give bond and take oath of office as justices, before entering on the discharge of the duties thereof; but his title as such justice shall be "recorder," and his court shall be denominated the "recorder's court of Bay City," and shall be held in the recorder's office, or common council room. The records of such court, and all papers filed therein, shall be delivered by the recorder to his successor in office, who shall proceed in all cases undetermined without notice to parties.

Recorder to be clerk of council. Bond of. Sec. 40. The recorder shall be the clerk of the common council and shall give bond for the faithful performance of his duties, in such sum as the common council shall by ordinance direct; and shall keep a record of their proceedings in proper books provided therefor, and shall open and keep the books of accounts, and such other books of receipts and expenditures as the common council may direct, and in such form and manner as they may order; he shall also perform for the city all such duties as township clerks are required by law to perform for the several townships, and for such services he shall receive the same fees and compensation as they are entitled to receive under the laws of this State.

Bonds to be deposited. Sec. 41. All official bonds of said city, except as herein otherwise provided, shall be deposited with the recorder of the city for safe keeping, and it shall be his duty to deliver the same to his successor in office.

When recorder to act as marshal. Sec. 42. The recorder shall possess the same powers, and perform and discharge the municipal duties of mayor, during the absence, inability, death, resignation or removal of the mayor.

Removal. Sec. 43. The recorder shall be subject to impeachment and removal from office for corrupt conduct in office, or for crimes and misdemeanors, in the same manner as judicial officers, pursuant to the provisions of the constitution of this State.

Sec. 44. It shall be the duty of every alderman in said city ^{Aldermen, duties of.} to attend the regular and special meetings of the common council; to act upon committees when thereunto appointed by the mayor or common council; to order the arrest of all persons violating the laws of this State, or the ordinances, by-laws or police regulations of the city; to report to the mayor all subordinate officers who are guilty of any official misconduct or neglect of duty; to maintain peace and good order, and to perform all other duties required of them by this act.

Sec. 45. The alderman in each ward, whose term of office ^{Supervisor.} shall soonest expire, shall be the supervisor within and for his respective ward for the last year of his term, and shall have and exercise within his respective ward, all the powers, authority and functions of supervisors of towns, as now provided, or may hereafter be provided by law, except as herein otherwise provided; and each of them shall be members of the board of supervisors of the county of Bay, and as such shall be entitled to the same compensation, and shall be paid in the same manner, and they shall perform as supervisors, such other duties as by this act shall be required of them.

Sec. 46. The annual assessment of property in each ward ^{Annual assessment} shall be made by such alderman thereof, acting as and being supervisor thereof, as above in the last section provided.

Sec. 47. The said aldermen, acting as and being supervisors ^{Compensation of supervisor.} of said city, as above provided, shall receive as compensation for their services, while actually employed in their duty as assessors in their respective wards, the same sum per day as supervisors or assessors performing like duties in townships, are or may hereafter be allowed by law, which compensation shall be audited and paid by the common council of said city, by a vote and resolution of said council, in which said aldermen (so claiming as supervisors, compensation,) shall not be allowed to vote.

Sec. 48. The accounts and demands of aldermen, (as super- ^{Accounts against city, how made.} visors,) and also of all other persons against the city, shall be verified by affidavit, and shall set forth the items thereof in

detail, which affidavit may be taken and certified by any member of said common council.

Tax rolls to
be delivered
to city
treasurer.

Sec. 49. The aldermen acting as supervisors of the several wards of said city, shall complete the several tax rolls of their respective wards, and deliver the same, with his warrant thereto attached, to the city treasurer, within the time prescribed by law for the completion and delivering of the township tax rolls to the respective township treasurers of this State: *Provided*, Security has been given by such city treasurer as required by law, or in this act provided; but if such security shall not have been given by such city treasurer, in the manner and within the time required, the common council shall immediately appoint some suitable person, who shall give the requisite security, to collect such tax roll; and the person so appointed shall thereupon be entitled to receive said tax roll, and shall collect and pay over such taxes, and make return of his doings thereon, in the same manner, and shall have all the powers, and shall perform all the duties, and be subject to the same liabilities, in this act conferred upon the city treasurer of said city, for the purpose of the collection and return and paying over such taxes.

Previous.

When persons may be
appointed
to collect
tax.

Collection
per centage.

Sec. 50. For the collection of all such taxes, the city treasurer or other person appointed to collect the same, shall be entitled to receive such per centage as shall be prescribed by the common council by ordinance, not exceeding two per centum upon the sum to be collected, which sum shall be added in the computation of the taxes on said tax rolls of the respective wards of said city.

Assessment,
how made.

Sec. 51. Each alderman acting as supervisor of said city, shall in each and every year, make and complete the assessment of all the real and personal property within their respective wards, in the same manner and within the same time as required by law for the assessment of property in the several townships of this State, and in so doing shall conform to the provisions of law governing the action of the supervisors of the several townships of this State performing like services; and

in all other respects, within their respective wards, they shall, unless when otherwise in this act provided, conform to the provisions of law governing the action of supervisors in the several townships of this State, in the assessment of property, the levying of taxes, and the issuing of warrants for the collection and return thereof; and they shall also in each year, within fifteen days after the time required by law for completing the assessment rolls in the several townships of this State, make and file with the recorder of said city a true and certified copy of the assessment rolls of their respective wards for such year, and the recorder shall receive and file the same in his office. Copy of roll to be filed with recorder.

Sec. 52. It shall be the duty of the common council of said city, on or before the last Saturday preceding the first day of October in each year, to determine by resolution the amount necessary to be raised by tax for city purposes within said city for each [such] year, and to apportion the same so to be raised among the several wards of said city, according to the valuation of the property appearing on the assessment rolls of said several wards for such year; and also to notify each of the aldermen acting as supervisors of the several wards of said city of the amount so apportioned to their respective wards, within five days after the board of supervisors of the said county of Bay shall have completed the equalization of the valuation of the property in the said wards of said city, and said townships of said county, for each year; and it is hereby made the duty of each alderman acting as the supervisors of the several wards of said city, to levy the sum so apportioned to his respective ward, and such other taxes as may be required by law, upon the taxable property of such ward in the same manner as taxes for township purposes are required by law to be levied by the supervisors of the townships of this State. Council to determine the amount of tax to be raised. Apportionment of. Notice of apportionment. Supervisor to levy amt apportioned.

Sec 53. The taxes so levied for city purposes shall be and remain a lien upon the property on which the same was levied, in the same cases, to the same extent, and in like manner as taxes required by law to be levied on property in the several Taxes a lien.

townships of this State, are liens upon such property, and all provisions of law respecting the return and sale of property for the non-payment of taxes, for State, county and township purposes, shall apply to the return and sale of property for the non-payment of such city taxes, except as herein otherwise provided.

**Treasurer
to be col-
lector.**

Bonds of.

Powers of.

**Moneys,
how drawn
from the
treasury.**

**Treasurer to
keep ac-
count of.**

**Report of
treasurer.**

Sec. 54. The treasurer of the city shall be by virtue of his office, the collector of all the taxes and assessments, both general and special, levied and made therein, and for that purpose, within ten days after his election, he shall give bonds to the city in such sum and with such surety or sureties as the common council shall require and approve; he shall also give to the treasurer of the county of Bay such further surety as is or may hereafter be required by law of the several township treasurers of this State; and for the purpose of collection and return of all such taxes, and the return of property delinquent for the non-payment of taxes, the said treasurer, on giving the bonds or surety so required, shall possess all the powers, and perform all the duties of the several township treasurers of this State, as provided by law, and shall also perform such other duties respecting the collection and return of taxes as the common council shall require.

Sec. 55. All moneys drawn from the treasury shall be drawn in pursuance of an order of the common council, by warrant, signed by the recorder and countersigned by the mayor; such warrant shall specify for what purpose the amount named therein is to be paid; and the treasurer shall keep an accurate account, under appropriate heads, of all the warrants paid by him, and his books shall be open to the inspection of any elector of the city at all reasonable hours. The treasurer shall exhibit to the common council, at their last regular meeting in the month of March, and at such other times as the council may require, a full and fair account of the receipts and expenditures from and after the date of the last annual report, and also the state of the treasury, which account shall be referred

to a committee for examination, and if found to be correct, shall be filed.

Sec. 56. The marshal of said city shall, before entering upon the discharge of the duties of his office, give such security for the faithful performance of his duties as the common council shall direct and require; he shall be chief of the police, and it shall be his duty to serve all process that may be lawfully delivered to him for service; to see that all the by-laws and ordinances of the common council are promptly and efficiently enforced, and especially those which may be passed to carry into effect the powers granted by section eight of this act; he shall obey all the lawful orders of the mayor, and may command the aid and assistance of all constables, and all other persons, in discharge of the duties imposed upon him by law; he may appoint such number of deputies as the common council may direct and approve, who shall have the same powers and perform the same duties as the marshal, and for whose official acts he shall be in all respects responsible; and the marshal and his deputies shall have the same power to serve and execute all process in behalf of the corporation of said city, or of the people of this State, as sheriffs and constables have by law to execute similar process.

Sec. 57. The street commissioner shall, under the direction of the common council, superintend the making, grading, paving and planking, repairing and opening of all streets, lanes, alleys, bridges, sidewalks, drains and sewers, within the limits of the city, in such manner as he may from time to time be required; and before entering upon the discharge of his duties, and within ten days from the notice of his appointment, shall take the oath of office, and give such security for the faithful discharge of his duties as the common council shall direct and require.

Sec. 58. The city attorney shall appear in and conduct all suits, prosecutions and proceedings in the recorder's court, to which the city of Bay City is a party, to the end thereof, subject to the rules and practice of said court; and if the same be removed

to any other tribunal, by writ of error, habeas corpus or otherwise, he shall conduct the case before such tribunal, and shall perform such other duties as the common council may require.

Prosecution
for violation
of by-laws.

Sec. 53. In all prosecutions for the violation of any of the by-laws or ordinances passed by the said common council, upon complaint being made in writing, by the city attorney, or by any

Warrant.

other person, upon oath, before the recorder or any justice of the peace, setting forth therein the substance of the offense

By whom
executed.

complained of, such recorder or justice of the peace shall issue a warrant in the name of the people of the State of Michigan,

Plea of de-
fendant.

for the apprehension of the offender, directed to the marshal of the city of Bay City, or any constable of the county of Bay, (ex-

Execution
upon con-
viction.

cept in case mentioned in section sixty-two,) and such process may be executed by any of said officers, anywhere within the

Commit-
ment.

county of Bay, and shall be returnable the same as other similar process issued by justices of the peace; that upon bring-

ing the person so charged before said justice of the peace or recorder, he shall plead to said complaint, and in case of his

refusing to plead thereto, or standing mute, the said recorder or justice of the peace shall enter the plea of "not guilty," for

the person so charged, that upon said complaint and plea a trial shall be had; and upon conviction of said offender, and

the imposition of a fine, it shall be the duty of the recorder or justice of the peace to issue an execution, directed to the mar-

shal of said city, or any constable of said county, commanding him to collect of the goods and chattels of the person so offend-

ing, the amount of such fine, with interest and costs, and for the want of goods and chattels wherewith to satisfy the same,

that he take the body of the defendant and commit him to the common jail of the county of Bay; and the sheriff shall safely

keep the body of the person so committed, until he be discharged by due course of law; and in case when imprison-

ment alone shall be imposed upon the person so convicted, the said recorder or justice shall issue a commitment, directed

as aforesaid, commanding his commitment, until the expiration of the time for which he shall be sentenced to imprison-

ment, or until he be discharged by due course of law; and in cases when both fine and imprisonment are imposed upon the person so convicted by the judgment of such recorder or justice, he shall issue the necessary process to carry such judgment into effect.

Sec. 60. The recorder or any justice of the peace residing in said city of Bay City, shall have full power and authority, and it is hereby made the duty of such recorder or justice, upon complaint to him in writing, by the city attorney, or upon oath by any other person, to inquire into and try and determine all offenses which shall be committed within said city, against any of the by-laws or ordinances which shall be made by the common council, in pursuance of the powers granted by this act, and to punish the offenders, as by the said by-laws or ordinances shall be prescribed or directed; to award all process and take recognizances for the keeping of the peace, for the appearance of the persons charged and upon appeal, and to commit to prison, as occasion shall lawfully require.

Recorder and justices required to try offenses.

Sec. 61. The corporation of the city of Bay City shall be allowed the use of the common jail of said Bay county, for the imprisonment of all persons liable to imprisonment under the by-laws and ordinances of the common council; and all persons committed to jail by any justice of the peace or recorder, for any violation of a by-law or ordinance of said common council, shall be in the custody of the sheriff of the county, who shall safely keep the person so committed until lawfully discharged, as in other cases.

Corporation may use county jail.

Sec. 62. Whenever any person charged with having violated any ordinances of the common council, by which the offender is liable to imprisonment, shall have escaped from said city, or shall reside or be without the limits thereof, the recorder or any justice of the peace residing in said city, to whom complaint shall be made, shall issue a warrant to any sheriff of any county in the State, commanding him forthwith to bring the body of such person before him, to be dealt with according to law; and every sheriff to whom such warrant shall be delivered for ser-

Warrants against offenders may be directed to any sheriff in the State.

Date of sheriff.

vice, is hereby required to execute the same, under the penalties which are by law incurred by sheriffs for neglecting or refusing to execute other criminal process; and in case the person charged as aforesaid shall be within the county of Bay, the said warrant may be served by the marshal of the city, or by the sheriff or any constable of the county.

Process
how directed.

Sec. 63. All process issued by any justice of the peace to enforce or carry into effect any of the by-laws or ordinances of the common council, except in the cases mentioned in section sixty-two of this act, shall be directed "to the marshal of the city of Bay City," or "to any constable of the county of Bay," and such process may be executed by any of said officers anywhere within the county of Bay, and shall be returnable the same as other similar process issued by justices of the peace.

Penalties to
be paid into
city treasury.
Report of
amount,
etc.

Sec. 64. All fines, penalties or forfeitures recovered before any of said justices or recorder, shall when collected, be paid into the city treasury; and each of said justices or aldermen shall report on oath to the common council, at the first regular meeting thereof in each month, during the term which they shall perform duties of such justice or recorder, the number and name of any person against whom judgment shall have been rendered for such fine, penalty or forfeiture, and all moneys by him received for or account thereof, which money so received, or which may be in his hands, collected on such fine, penalty or forfeiture, shall be paid into the said city treasury on the first Monday of each and every month, during the time such justice or recorder shall exercise the duties of said office; and for any neglect in this particular, he may be suspended or removed, as hereinafter provided.

Removal of
justices of
the peace.]

Sec. 65. Any justice of the peace of said city may be suspended or removed from his said office by the circuit court for the county of Bay, for neglect or refusal to pay over as required by law, any moneys by him collected for or on account of any fine, penalty or forfeiture, or the unfaithful or insufficient performance of his duties in relation to the internal police of the State, or for any official misconduct, on charges specially pre-

ferred by said common council of said city, or any member or officer thereof, or by three electors of said city, founded on affidavit filed in said circuit court, specifically stating the charges complained of, a copy whereof shall be served upon him in such manner as the circuit court shall direct, and opportunity shall be given him to be heard in his defense.

Sec. 66. In addition to the security now required by law to be given by justices of the peace, each of the justices of the peace shall, before entering upon the duties of his office, execute a bond to the city of Bay City, with one or more sufficient sureties, to be approved by the mayor and recorder of said city, which approval shall be endorsed on said bond, in the penalty of one thousand dollars, conditioned for the faithful performance of his duties as a police justice of said city, and to pay over the moneys so collected, and make his report as in this act is required, which bond shall be filed in the office of the treasurer of said city.

Sec. 67. All dockets and office books kept by the justices of the peace and recorder shall be subject to inspection and examination by the common council at all times, or any member or officer thereof; and it shall be the duty of said justices of the peace and recorder to produce such docket and books at all times, whenever and wherever the said common council shall require or direct; and if they shall neglect or refuse to produce such docket or office books as directed and required, the circuit judge of the circuit court for the county of Bay may, on a proper application to him for the purpose, make an order requiring the same to be produced, and enforce obedience thereto in the same manner in which other orders made by him are enforced.

Sec. 68. It shall be the duty of each justice of the peace and recorder, at the first regular meeting of the common council, in each of the months of August, November, February and May, in every year, to account on oath before the common council, for all such moneys, goods, wares and merchandise, seized as stolen property, as there shall remain unclaimed in the office of either of said justices of the peace or recorder,

Notice to
persons in-
terested in.

Goods of
perishable
nature may
be sold.

and immediately thereafter to give notice, four weeks, in one of the public newspapers printed in said city, to all persons interested or claiming such property: *Provided always*, That if any goods, wares, merchandise or chattels of a perishable nature, or which shall be expensive to keep, shall at any time remain unclaimed in the office of said justice or recorder, it shall be lawful for such justice or recorder to sell the same at public auction, at such time, and after such notice, as to him and said common council shall seem proper.

Mix cum a
roun.

Sec. 69. It shall be the duty of each of the justices of the peace aforesaid, who may recover or obtain possession of any stolen property, on his receiving satisfactory proof of property from the owner thereof, on his paying all necessary and reasonable expenses, which may have been incurred in the recovery, preservation or sustenance of such property, and the expenses of advertising the same.

Sale of un-
claimed
property.

Sec. 70. It shall be the duty of each of the justices of the peace aforesaid, to cause all property unclaimed after the expiration of the notice specified in the last preceding section but one of this act, money excepted, to be sold at public auction, to the highest bidder, unless the prosecuting attorney of the county of Bay shall direct that it shall remain unsold for a longer period, to be used in evidence in the administration of

Proceeds to
be paid into
treasury.

justice, and the proceeds thereof forthwith to pay to the treasurer of said Bay City, together with all moneys, if any, which shall remain in his hands after such notice as aforesaid, first deducting the charges of said notice of sale.

Recorder to
report names
of officers,
that have
not qualified

Sec. 71. The recorder shall report to the common council the names of such officers as shall have neglected to give the bond, as security, required by the provisions of this act.

Resignation,
how made.

Sec. 72. Resignations by any officer authorized to be chosen or appointed by this act, shall be made to the common council, subject to their approval and acceptance.

Election,
where to
vote.

Sec. 73. At all city elections, every elector shall vote in the ward where he shall have resided ten days preceding the day of election, otherwise he may vote in the ward from which he

removed: *Provided*, He shall have resided in such ward ten days prior to such removal. The residence of an elector under this act, shall be the ward where he boards or takes his regular meals.

Sec. 74. Any person who may be required to take any oath or affirmation under or by virtue of any provision of this act, who shall, under such oath or affirmation, in any statement or affidavit, or otherwise, willfully swear falsely as to any material fact or matter, shall be guilty of perjury.

Sec. 75. If any suit shall be commenced against any person elected or appointed under this act to any office, for any act done or omitted to be done under such election or appointment, or against any person having done any thing or act by the command of any such officer, and if final judgment be rendered in such suit, whereby any such defendant shall be entitled to costs, he shall recover double costs, in the manner defined by law.

Sec. 76. The record of any ordinance enacted, and of the time of its first publication, made by the clerk as required in this act, or a copy thereof, certified by such clerk, under the seal of such corporation, shall be presumptive evidence in all courts, places and proceedings of the due passage of such ordinance, of its having been duly published, and of the time of its first publication. Copies of all other records and papers duly filed in and pertaining to the office of the clerk, certified by him under the seal of the corporation, shall be evidence in all courts and places, to the same effect as the original would be if produced.

Sec. 77. Proof of the requisite publication of any ordinance, resolution or other proceedings, required to be published in any newspaper, by the affidavit of a printer or publisher thereof, taken before any officer authorized to administer oaths and take affidavits, and duly filed with the clerk of the city, or any other competent proof, shall in all courts and places, be conclusive evidence of the legal publication of such ordinance,

Ordinances, etc., printed by authority to be received in courts of justice. resolution or other proceeding. All ordinances and by-laws of the common council, printed and published by their authority, shall, in all courts, places and proceedings, be received without further proof, as *prima facie* evidence thereof, and of their legal enactment and publication.

Citizens may act as jurors, etc. in case where city is a party. Sec. 78. No person shall be an incompetent judge, justice of the peace, or other officer, witness or juror, by reason of his being an inhabitant or freeholder in Bay City, in any prosecution or proceedings in the recorder's court, in any action or proceeding in which the corporation shall be a party in interest, or in any judicial or other proceeding.

This act not to invalidate action of village council. Sec. 79. This act shall not invalidate any legal act done by the "common council of the village of Bay City," or any officer of said village, now or heretofore in office; and the said city shall assume and be liable for all the obligations of the village of Bay City, and the common council thereof, and all claims and demands now existing against said village of Bay City may be enforced against the city of Bay City in the same manner that they could have been enforced against the village of Bay City, had this act not have been passed.

Who ineligible to office. Sec. 80. No person shall be elected or appointed to any office created by this act, who is now or may hereafter be a defaulter to said city, or to any board of officers thereof, or to the State of Michigan, or any county or township thereof; and any person shall be considered a defaulter who has refused or neglected, or may hereafter refuse or neglect, for thirty days after demand made, to account for and pay over to the party authorized to receive the same, any public money or papers pertaining to his office, which may have come into his possession; if any person holding any such office shall become a defaulter while in office, the same shall thereby be vacated.

Call of meeting of electors to consider the necessity of issuing bonds. Notice thereof. Sec. 81. Whenever the common council shall deem it necessary to issue the bonds of the city for any purpose, they shall call a meeting of the property-holding tax payers of the city, being electors thereof, by posting notices in five of the most conspicuous places in said city, at least eight days previous to the

time of said meeting, giving notice of the time and place of such meeting, also specifying the amount and object for which it is proposed to issue said bonds; the mayor, or in his absence the recorder, shall preside at such meeting; and the electors present shall choose, *viva voce*, any of their number the inspectors and clerks of said election, who shall, before proceeding to the discharge of their duties, make oath or affirmation faithfully to discharge the duties of their respective offices at such election, which oath or affirmation may be administered by any person authorized to administer oaths. Said election shall be conducted in the same manner, and the canvass of votes, as near as may be, as other elections under this act; at the close of such election the inspectors shall make two certificates of the number of votes given for and against such issue of bonds, one of which shall be forthwith deposited with the recorder of said city, and the other filed in the office of the county clerk for the county of Bay: *Provided*, That not more than two of such meetings shall be called in any one year.

Meeting,
how con-
ducted.

Certificate of
votes cast.

Sec. 82. Whenever the common council shall be authorized by vote of the tax payers as aforesaid, they may issue the bonds of said city for the amount aforesaid, and provide for the payment of the interest thereon; and for this purpose shall annually levy, assess and collect on the aforesaid value of all the real and personal estate in said city, made taxable by the laws of this State, taxes for this purpose, not to exceed in amount a sufficient sum to pay the interest accrued or to accrue on said bonds, and for the year for which such taxes are levied.

Issue of
bonds.

Tax for pay-
ment there-
of.

Sec. 83. All ordinances, by-laws, regulations, resolutions and rules of the common council of the village of Bay City, now in force and not inconsistent with this act, shall remain in force till altered, amended or repealed by the common council of the city of Bay City, under this act, and after the same shall take effect.

By-laws,
etc. of vil-
lage to re-
main in
force.

Sec. 84. This act shall be deemed a public act, and shall be favorably construed in all courts.

Public act.

Act may be altered or repealed.

Sec. 85. The legislature may at any time alter, amend or repeal this act,

Proof required in suits involving tax title

Sec. 86. In all controversies and suits hereafter involving the title to land claimed and held by virtue of a deed executed by the Auditor General of this State, or any officer of said city for non-payment of taxes, assessed in said city, the person claiming title adverse to such deed shall be required to prove in order to defeat such title, either that the land was not subject to taxation on the date of the assessment of the tax for which it was sold, or that the taxes had been sold, or that the taxes had been paid, or that the same had not been assessed for taxation, or that the same had been redeemed pursuant to law; but no person shall be permitted to question the title acquired by such deed, without proving that he or she, or the person through whom he or she claims title, had title to the land at the time of the sale thereof for non-payment of taxes, or subsequently, which title was acquired from the United States, or from this State. Such person must also show that he or the person through whom he claimed, has paid all taxes due on such land, subsequent to such sale.

When title is held in- valid an't of tax may be recovered from owner of lands.

Sec. 87. If any conveyance made by the Auditor General or other officer as aforesaid, pursuant to sale for non-payment of taxes, assessed in said city, shall prove to be invalid and ineffectual to convey title, for any other causes than those enumerated in the preceding section, the taxes for which said lands were sold and the charges, shall remain a lien on said land, and shall be transferred by such deed to the grantee, and vested in him, his heirs and assigns, who shall be entitled to recover from the owner of such lands the amount of such taxes, together with all the lawful charges, interest at twenty-five per cent., and also the amount of all subsequent taxes paid by the person holding such tax title with like interest, and such claim shall be a lien on such lands, and the same shall be bound for the payment thereof; and in case judgment shall be rendered against the person holding such tax title as aforesaid, for the recovery of such land, on any action of ejectment, the plaintiff

Claim a lien on lands.

Costs of action to recover.

shall pay the costs of said action of ejectment, and including the usual attorney fee allowed to the prevailing party, the court shall ascertain the amount due the person holding such tax deed, for principal and interest and said costs, and shall decree the payment thereof within such reasonable time as may be determined by such court, and in default of such payment, shall ^{Sale of lands in default of payment.} decree such lands to be sold therefor or sufficient to pay the amount of principal and interest due to such party with costs of said suit and said sale, the same as in cases of foreclosure of mortgages in chancery: *Provided*, That there shall be no right ^{Proviso.} of redemption of such property, after the date of sale.

Sec. 88. Any person holding any deed of lands executed for ^{Suit to quiet title.} the non-payment of taxes as aforesaid, may commence a suit in the circuit court for the county of Bay, in chancery, to quiet his title thereto, without taking possession of such lands, and ^{Who made defendant.} all parties who have or claim to have, or appear of record in the register's office of the county of Bay to have any interest in such lands, may be made defendants in such suit; and no ^{Unrecorded deeds, etc., of no effect.} outstanding unrecorded deed, mortgage or claim, shall be of any effect as against the title or right of the complainant as fixed and declared by the decree made in such case; and if ^{Proceedings when claimant's title is invalid.} upon the hearing of such cause it shall appear that the complainant's title was invalid for any cause enumerated in section eighty-seven of this act, such suit shall not be dismissed by the court, but the court shall ascertain the amount due the complainant for principal and interest, computed at twenty-five per cent., and all the costs of said suit, including the usual solicitor's fee allowed to the prevailing party in chancery suits, and shall decree the payment thereof within a reasonable time by the owner of such land, and in default thereof, shall direct that such land shall be sold therefor, and that the equity and right of redemption of all the defendants in such suit, and all persons claiming under them shall be forever foreclosed: *Pro-* ^{How conducted.} *vided*, That the proceedings in such case shall be conducted in the same manner, or as near as may be, in conformity with the

Proviso. practice in case of foreclosure of mortgages: *Provided further,* That there will be no right of redemption of such property of such sale.

City to acquire all property and rights of present village.

Sec. 89. The said city shall acquire all the property and rights of the present village of Bay City, and all the acts and ordinances of the common council of the village of Bay City, not inconsistent with the laws of this State, shall remain in full force until changed by the common council of said city.

Certain action of village council declared valid.

The action of the common council of said village in vacating streets and alleys, and in granting privileges for the construction of street railways, are hereby declared valid, and shall remain in full force unless altered or changed by the common council of said city; and the common council of said city

Street railways.

shall have power to grant charters, licenses and privileges to companies, corporations or persons for the construction of

Bridges.

street railways, on the streets of said city; the common council of said city shall have power to license the construction of bridges across the Saginaw river and to prescribe and regulate the rates of toll thereon, and may cause said bridges to be constructed for and in behalf of said city.

City to pay its proportion of indebtedness of township.

Sec. 90. The said city shall pay its just proportion of the indebtedness of the township of Hampton, to be determined by the township board of said township and the common council of said city, in the same manner as claims between townships are adjusted in similar cases.

Notice of completion of assessment roll.

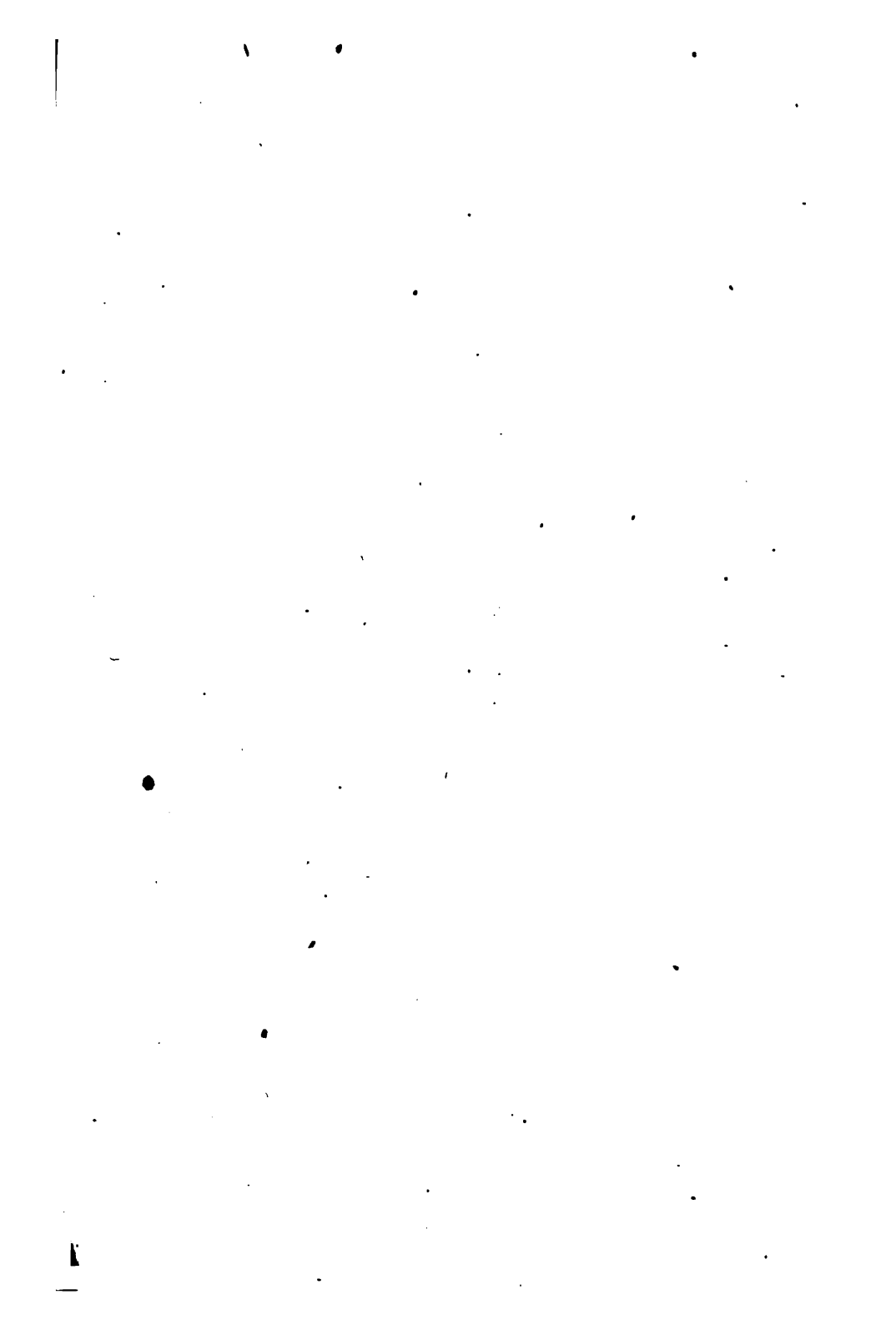
Sec. 91. It shall be the duty of the supervisors of the several wards of said city, on the completion of the assessment rolls of their several wards, to give public notice by publication in a newspaper published in said city that the said rolls are deposited in the office of the recorder of said city, where they will remain for the term of ten days from the first publication of said notice; said notice shall specify a day on which such supervisor will be personally present in the office of said recorder, for the purpose of reviewing their assessments; and on the request of any person considering himself aggrieved, on sufficient cause

Review of.

being shown to the satisfaction of the supervisor, he may alter the same as to the valuation thereof.

Sec. 92. This act shall take immediate effect.

Approved March 21, 1865.



JOINT RESOLUTIONS.

[No. 1.]

JOINT RESOLUTION asking the government of the United States for a grant of land, in aid of the construction of a harbor at the mouth of the Ontonagon river, on the south shore of Lake Superior.

Whereas, The dignity and security of the nation demands that our lakes, on the northern frontier, should be put in a condition of "armed defense," and that Lake Superior should, in this respect, be placed on an equal footing with the other lakes, as its commerce and mineral interests have become of equal national importance;

And whereas, There is at present no safe harbor between Copper Harbor and a [La] Point, on Lake Superior, where our steamers and sailing vessels can enter, a distance of one hundred and fifty miles;

And whereas, The Ontonagon river empties into Lake Superior about half way between said points, and has a sufficient depth of water inside the bar, which is formed across the entrance of the same, and is of sufficient extent to make one of the safest and best harbors on Lake Superior;

And whereas, By opening the channel at the mouth of said river, a perfectly safe harbor will thereby be formed, where vessels of all classes can lie in safety, protected from all storms, which will be of incalculable value to the government of the United States, and to the great and growing commercial interest of Lake Superior;

And whereas, A large amount of money has been expended by private enterprise, building piers and improving said harbor, and it is now found that a much larger expenditure of

JOINT RESOLUTIONS.

money will be required to open said harbor than was at first supposed, and that it cannot be accomplished without the aid of the general government; be it therefore

Resolved, That our Senators, and members of the House of Representatives, be requested to use their best endeavors to obtain from Congress a grant of land, in such quantity as Congress may deem best, to aid in constructing a harbor at the mouth of the Ontonagon river.

Resolved, That the Governor be requested to transmit copies of the foregoing preamble and resolutions to our Senators and Representatives in Congress.

Approved January 21, 1865.

[No. 2.]

JOINT RESOLUTION asking the government of the United States for a grant of land in aid of the construction of a ship canal, from Portage lake to Lake Superior.

Whereas, The dignity and security of the nation demand that our lakes on the northern frontier should be put in a condition of "armed defense;"

And whereas, Lake Superior should in this regard be placed on an equal footing with the other lakes, as its commerce and mineral interests have become of equal national importance;

And whereas, By opening a canal through the isthmus, or neck of land known as the "Portage," which separates the waters of Portage lake from Lake Superior, so that vessels can at all times enter Portage lake, a harbor will thereby be made of Portage lake of inestimable value to the government of the United States, and a passage for ships across the base of Keweenaw point, of like importance to commerce and navigation;

And whereas, This great work, so necessary to the government, to trade and to the prosperity of the country, involves an expenditure of such magnitude, that unaided individual enterprise

may not be equal to its accomplishment unless quickened by a just stimulant from national bounty; be it therefore

Resolved, (If the Senate concur,) That our Senators in Congress, and the members of the House of Representatives, be requested to use their best endeavors to obtain from Congress a grant of land, in such quantities as Congress may deem best, in aid of the construction of a ship canal from Portage lake to Lake Superior.

Resolved, That the Governor be requested to transmit copies of the foregoing preamble and resolution to our Senators and Representatives in Congress.

[This resolution shall take immediate effect.]

Approved January 21, 1865.

[No. 3.]

JOINT RESOLUTION for the relief of William Dingman.

Whereas, William Dingman appears to be the assignee, and the equitable and undisputed owner of all the rights conferred upon Seth A. L. Warner and Robert W. Warner, by primary school land certificate number three hundred and sixty, issued by the Superintendent of Public Instruction, on the third day of October, in the year eighteen hundred and thirty-seven, but that the assignments by which he holds said certificate are imperfect, not having been acknowledged as required by law, and that the persons making said assignments are dead, and that there are no legal representatives of their estates authorized to perfect by acknowledgment, said assignments; therefore

Resolved by the Senate and House of Representatives of the State of Michigan, That the Commissioner of the State Land Office be and he is hereby authorized and directed to give to the said William Dingman, or his assigns, the full benefit of such assignments and all the rights accruing thereby, to the said Dingman, or to his assigns, the same as if such assignments were duly acknowledged according to law, upon satisfactory proof of the

JOINT RESOLUTIONS.

due execution of such assignments, and that the said William Dingman is the *bona fide* owner of said certificate.

This resolution shall take immediate effect.

Approved January 31, 1865.

[No. 4.]

JOINT RESOLUTION asking the general government for a grant of land to aid in the construction of the **Mineral Range** railroad.

Whereas, The development of the mineral resources of the Lake Superior region of the State of Michigan, has become a subject of national importance;

And whereas, The greater portion of the mineral range of said region, extending from Keweenaw Point to nearly the west end of Lake Superior, a distance of one hundred and fifty miles, and is distant from a safe harbor, and approachable only by land carriage, the expense of which is so great as to preclude the successful opening and working of the mines;

And whereas, A company for the construction of a railroad from Lac La Belle to the Cliff mine, in Keweenaw county, and thence along the mineral range to some point on the Montreal river, will have perfected its organization under the laws of the State of Michigan, by the first of February, eighteen hundred and sixty-five, which company purposes to build said road within ten years;

And whereas, The construction of said road will open to the markets of the world the inexhaustible wealth of said mineral range, giving employment to thousands of laborers, and adding largely to the national revenue;

And whereas, The national government has practiced this policy of disposing of the public domain, as a proper means to develop the resources of the country, and has made liberal grants of land to aid in the construction of railroads, having at least no greater merit than this; therefore

JOINT RESOLUTIONS.

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Resolved by the Senate and House of Representatives of the State of Michigan, That we respectfully ask the Congress of the United States to grant to said company fifteen sections of land for each mile of the length of said road, to be selected from the lands belonging to the general government in the Upper Peninsula, and authorizing said company to sell seventy sections thereof, upon the completion of ten consecutive miles of said road.

Resolved, That our Senators in Congress be instructed, and our Representatives requested to use all honorable means to secure the immediate grant of these lands for the purpose set forth in the preamble to these resolutions.

Resolved, That the Governor be requested to transmit copies of the foregoing preamble and resolutions to our Senators and Representatives in Congress.

Approved January 31, 1865.

[No. 5.]

JOINT RESOLUTION ratifying the proposed amendment to the constitution of the United States.

Whereas, The Congress of the United States, after solemn and mature deliberation therein, has, by a vote of two-thirds of both houses, passed "a joint resolution submitting to the legislatures of the several States, a proposition to amend the constitution of the United States," which resolution is in the following words:

Be it resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That the following article be proposed to the legislatures of the several States, as an amendment to the constitution of the United States, which, when ratified by three-fourths of said legislatures, shall be valid to all intents and purposes, as a part of the constitution, namely:

JOINT RESOLUTIONS.

ARTICLE XIII.

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Sec. 2. Congress shall have power to enforce this article by appropriate legislation.

And whereas, American slavery, in its wickedness and infatuation, has added to its many other heinous sins, the crime of waging a causeless, cruel and bloody war for the avowed purpose of dividing and destroying the nation, whereby it has forfeited all right to further toleration, and has clearly demonstrated that its continuance is wholly incompatible with the safety and preservation of a free republican government, and that in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, it has become necessary to utterly destroy this barbarous foe of civilization, humanity and religion; therefore

Resolved by the Senate and House of Representatives of the State of Michigan, That in the name and in behalf of the people of this State, we do hereby ratify, approve and assent to the said amendment.

Resolved, That a copy of this assent and ratification be engrossed on parchment, and transmitted by His Excellency the Governor, to the United States, in Congress assembled.

Approved February 2, 1865.

[No. 6.]

JOINT RESOLUTION instructing our Senators, and requesting our Representatives in Congress, to urge upon the general government the necessity of establishing a general naval recruiting and muster-in office for the State of Michigan.

Whereas, The President of the United States has issued his proclamation, calling for three hundred thousand men to aid in the suppression of the existing rebellion;

And whereas, Every patriotic and loyal citizen of Michigan, has a deep interest in having the quota assigned to our State filled as speedily as possible;

And whereas, Many of our citizens, preferring the naval branch of the service, have made application at the recruiting offices located among us, and failing to find the proper officers to receive them, have been compelled to leave Michigan in order to be mustered into the naval service, and have been credited upon the quotas of other States. We have therefore been deprived of the advantages granted to our sister States, and compelled to furnish men by drafting, to fill the places of the men so lost; therefore

Resolved, That our Senators in Congress be instructed, and our Representatives requested to use all honorable means to secure the immediate establishment of a general naval recruiting and muster-in office for the State of Michigan, and that said office be located in the city of Detroit.

Resolved, That the Governor be requested to transmit copies of the foregoing preamble and resolutions to our Senators and Representatives in Congress.

Approved February 2, 1865.

[No. 7.]

JOINT RESOLUTION to provide for submitting the question of a general revision of the constitution of the State of Michigan, to the electors thereof.

Whereas, Section two, of article twenty, of the constitution of this State, provides that the question of a general revision

JOINT RESOLUTIONS.

of the constitution of this State shall be submitted to the electors qualified to vote for members of the legislature, at the general election to be held in the year one thousand eight hundred and sixty-six;

And whereas, It seems to be the duty of the legislature to provide the mode of such submission; therefore

Resolved, That notice of such submission be given in the same manner, and at the same time, as notice is now required to be given for the election of State officers; that the inspectors of election of the several townships and wards, provide a separate ballot box, to receive all votes that may be cast at such election, for or against such revision of the constitution; and that the electors voting in favor of a general revision of the constitution, shall have written or printed, or partly written and partly printed on their ballots, the words "for a revision of the constitution;" and those voting against such revision, shall have written or printed, or partly written and partly printed, on their ballots, the words "against a revision of the constitution," which votes shall be canvassed and certified, as near as may be, as the votes for Governor and Lieutenant Governor are required to be canvassed.

Resolved, That it shall be the duty of the Secretary of State, to report the result of said election to the legislature, at the next session thereafter, within ten days after the commencement thereof; and in case a majority of the qualified electors voting at such election, shall have decided in favor of a revision of the constitution, the legislature shall provide by law for the election of delegates to a convention, for the purpose of making such revision, and shall prescribe the number of delegates, and the time, place and manner of holding such convention.

Approved February 2, 1865.

[No. 8.]

JOINT RESOLUTION in relation to a certain claim in the county of Monroe.

Resolved by the Senate and House of Representatives of the State of Michigan, That the ditch commissioners for the county of Monroe, be and they are hereby empowered and required to investigate the claim of E. G. Morton against the Sandy Creek ditch, in said county, and if they find the same just and unpaid, to assess the amount due on the same, (being two ditch orders,) on the lands subject to the tax for which they were issued, for the construction of said Sandy Creek ditch, and to return such assessment to the supervisors of the proper townships, who shall include the same in their tax rolls for collection, the same as other taxes are levied and collected, which amount shall be paid to the said claimant by the county treasurer.

Approved February 10, 1865.

[No. 9.]

JOINT RESOLUTION in relation to the sale of the compiled laws.

Resolved by the Senate and House of Representatives of the State of Michigan, That the State Treasurer is hereby authorized to sell any number of volumes of the compiled laws, not exceeding eight thousand, at a price not less than fifty cents per volume.

This resolution shall take immediate effect.

Approved February 10, 1865.

[No. 10.]

JOINT RESOLUTION asking an appropriation of lands by Congress, for the construction of a wagon road from Escanaba to Sault Ste. Marie.

Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators in Congress be instructed, and

JOINT RESOLUTIONS.

our Representatives requested to use all honorable means to procure a donation of lands by Congress, for the immediate construction of a wagon road from Escanaba, in the Little Bay de Noquette, (the terminus of the Peninsular railroad, in the Upper Peninsula of Michigan,) to the Straits of Michilimackinac, near Fort Mackinaw, and thence to Fort Brady, near the Sault Ste. Marie ship canal, in the Straits of Ste. Marie.

Resolved, That the Governor be requested to transmit copies of the foregoing resolution to our Senators and Representatives in Congress.

Approved February 10, 1865.

[No. 11.]

JOINT RESOLUTION requesting our members in Congress to call the attention of the general government to the importance of the construction of light houses and fog bells on the straits of Michilimackinac.

Resolved by the Senate and House of Representatives of the State of Michigan That our Senators in Congress be instructed, and our Representatives requested, to immediately call the attention of Congress, and of the proper department of the general government, to the great national importance of certain appropriations made some years since, for the construction of light houses with fog bells, on the island of Mackinaw, and at or near Old Fort Mackinaw, on the straits of Michilimackinac, in the State of Michigan.

Resolved, That the Governor be requested to transmit copies of the foregoing resolution to our Senators and Representatives in Congress.

Approved February 10, 1865.

[No. 12.]

JOINT RESOLUTION in relation to the improvement of the mouth of the Saginaw river.

Be it resolved by the Senate and House of Representatives of the State of Michigan, That our Senators in the Congress of the United States are hereby instructed, and our Representatives in Congress are hereby requested to use all honorable means to secure an appropriation from the general government, either of money or of public lands of the United States, for the removal of the bar at the mouth of Saginaw river, in Bay county, Michigan, and for the improvement of the harbor at the mouth of said river, and providing for the speedy completion of said work.

Resolved, That the Governor be and he is hereby requested to transmit copies of the foregoing resolution to our Senators and Representatives in Congress.

Approved February 10, 1865.

[No. 13.]

JOINT RESOLUTION asking an appropriation of land by Congress to endow the Michigan mining school, in the Upper Peninsula.

Whereas, A large proportion of the immense mineral wealth of the Upper Peninsula is still undeveloped, requiring the application of capital, skill and science;

And whereas, The production of iron and copper is of national importance and necessity;

And whereas, Mining enterprise in the Upper Peninsula, has hitherto been greatly retarded and capital discouraged, by reason of the want of competent men, skilled in practical mining and kindred sciences, to manage affairs;

And whereas, The mining communities of Europe and Mexico, justly regarding mines as among the great economic interests, conducing to wealth and grandeur, have obtained from

JOINT RESOLUTIONS.

their respective governments the establishment of mining schools, the fame and usefulness of which is world-wide;

And whereas, The United States government, and the several State governments, always liberal in the endowment of institutions of learning throughout the land, have as yet, endowed no school wherein a practical knowledge of mining and mine engineering are taught, compelling our youth to visit Europe to obtain the necessary education and experience which they are unable to procure at home;

And whereas, The establishment of a school having for its especial object the teaching of geology, mineralogy, mining and mine engineering, and such other branches of practical and theoretical knowledge, as will conduce to the end of thoroughly educating a much needed class of men, "in the science, art, and practice of mining," would greatly stimulate mine industry and development, and thereby add materially to the wealth of the nation;

And whereas, Said school, open to all classes, should be located in a mining region where students may enjoy daily opportunities for blending theory with practice; therefore, be it

Resolved by the Senate and House of Representatives of the State of Michigan, That we respectfully ask the Congress of the United States to grant to the said mining school two hundred thousand acres of land, as a permanent endowment for the support of the same.

Resolved, That the Governor be requested to transmit copies of the foregoing preamble and resolution to our Senators and Representatives in Congress.

Approved February 20, 1865.

[No. 14.]

JOINT RESOLUTION asking an appropriation of lands by Congress, to endow female colleges in the several States.

Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators and Representatives in Con-

gress be and are hereby requested to use their influence to procure a donation of lands by Congress, to endow female colleges in the several States.

Resolved, That we hereby invite and urgently recommend the legislatures of the several States to coöperate with the State of Michigan, in procuring from the federal government, a grant of land for the aforesaid purpose.

Resolved, That the Governor be and he is hereby requested to transmit a copy of the foregoing resolutions to each of our Senators and Representatives in Congress, and to each of the legislatures of the loyal States.

Approved February 22, 1865.

[No. 15.]

JOINT RESOLUTION to release to James P. Wheeler the interest which the State of Michigan has in certain real estate.

Resolved by the Senate and House of Representatives of the State of Michigan, That the State of Michigan does hereby release unto James P. Wheeler, of the county of Oakland, in said State, all the right, title and interest which the said State of Michigan has in and to the west half of the north-east quarter of section number twenty-one, in town four north, of range eight east, being in the township of Springfield, in said county of Oakland; and the Governor is hereby authorized to execute unto the said James P. Wheeler, for and on behalf of the State of Michigan, a full release of all the right, title and interest of the said State, in and to the premises aforesaid.

Approved March 2, 1865.

JOINT RESOLUTIONS.

[No. 16.]

JOINT RESOLUTION asking Congress for a grant of lands to aid in the construction of a ship canal from Lake Superior to Lac La Belle, so as to form a safe harbor.

Whereas, The southerly side of the peninsula forming Keweenaw Point, of Lake Superior, is entirely without a harbor, until its base, at Portage Entry, is reached, a distance of over fifty miles, and a safe and capacious harbor could be constructed by cutting a canal of sufficient width and depth to admit steamers and vessels, usually navigating Lake Superior from Keweenaw Bay, on Lake Superior, to Lac La Belle, in Keweenaw county, in the State of Michigan;

And whereas, Such a harbor would very largely assist both in rendering the navigation of Lake Superior more secure, and also in opening up the immense and yet undeveloped mineral wealth of Keweenaw Point, both of which have become objects of great national importance;

And whereas, A company has been duly organized under the laws of the State of Michigan, by the name of "the Lac La Belle harbor improvement company," having for its object the construction of a harbor at the place aforesaid, the completion of which is a matter of public utility, and will, in connection with the projected Mineral Range railroad, open inexhaustible sources of mineral wealth to the nation; therefore

Resolved by the Senate and House of Representatives of the State of Michigan, That we respectfully ask the Congress of the United States to grant to the said Lac La Belle harbor improvement company, one hundred thousand acres of lands of the United States, to be selected in the Upper Peninsula of Michigan, but no title to pass until such canal shall be cut from Keweenaw Bay aforesaid, to fourteen feet water in Lac La Belle aforesaid, of at least twelve feet in depth throughout its entire length, and at least seventy-five feet in width at the bottom, sloping outwards to the surface, and in a manner satisfactory to the Governor of the State of Michigan: *Provided*, That said company shall not, after accepting such grant of

lands, charge any greater tolls for entering such canal than five dollars to steamers and three dollars to sail vessels, if over twenty-five tons burden.

Resolved, That our Senators and Representatives in Congress be requested to use all honorable means to secure such grant of lands, for the purpose specified in the preamble to these resolutions.

Resolved, That the Governor be requested to transmit copies of the foregoing preamble and resolutions to our Senators and Representatives in Congress.

Approved March 2, 1865.

[No. 17:]

JOINT RESOLUTION for the relief of William Woodhouse and Charles W. Butler.

Whereas, Messrs. Woodhouse & Butler, on the twenty-seventh day of May, A. D. eighteen hundred and fifty-eight, contracted with the Board of Control of the House of Correction, at Lansing, (now State Reform School,) for the labor of certain boys confined therein, in the manufacture of chairs, &c., in shops to be erected and kept up for them within the enclosure of said House of Correction, on which said contract they have paid to the State the sum of three thousand three hundred and fifty-seven dollars and sixty-eight cents, leaving due thereupon the further sum of one thousand three hundred and seventy-one dollars and ninety-seven cents, or thereabouts, for the recovery of which, suits at law have been instituted against the said Woodhouse and Butler;

And whereas, The chair factory of the said contractors was nearly destroyed by fire on the night of the second of October, eighteen hundred and sixty, they having but just got it in successful operation, and after having been re-built and re-constructed, was again, on the night of the twenty-ninth of October, eighteen hundred and sixty-one, destroyed by fire,

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the loss being total and the destruction complete; and while nothing is certainly known as to the origin of the first fire, subsequent developments have disclosed the fact that the second fire was kindled by three of the boys confined in said State Reform School, and as the loss sustained by said contractors, in the repeated burning of their factory, has rendered them unable to resume the said manufacturing business again, or to pay the balance due the State on said contract; therefore,

Be it resolved by the Senate and House of Representatives of the State of Michigan, That all judgments, claims and demands of the State of Michigan against William Woodhouse and Charles W. Butler, and their surety, as contractors for the labor of boys confined in the House of Correction, (now State Reform School,) at Lansing, as above mentioned, be and the same are hereby released and discharged, and that all contracts heretofore made for such labor between the said Woodhouse and Butler, and their surety, and the Board of Control of the said House of Correction, (now State Reform School,) be and the same are hereby canceled.

Approved March 4, 1865.

[No. 18.]

JOINT RESOLUTION authorizing the Auditor General to pay Lydia Mathews certain moneys.

Whereas, It is represented that James Mathews, of Montcalm county, purchased of the State certain lands, for which he paid into the State treasury, including office charges, the sum of twenty-eight dollars and seventy-five cents, and for recording deeds of said lands to the county register, the sum of three dollars and twelve cents, which lands have since been ascertained to be military bounty lands, and the deeds have been canceled by order of the Auditor General;

And whereas, The said James Mathews, a soldier in the

army, is now dead, or supposed to be dead, not having been heard from for the last two years;

Resolved by the Senate and House of Representatives of the State of Michigan, That the Auditor General be authorized to pay or refund to Lydia Mathews, wife of said James Mathews, any sum due the said James Mathews, under section three, article one hundred and thirty-six, session laws of eighteen hundred and sixty-three; *Provided,* The averments set forth in the above preamble are found to be correct.

This resolution shall take immediate effect.

Approved March 8, 1865.

[No. 19.]

JOINT RESOLUTION for the relief of Cyrus Lee.

Whereas, Cyrus Lee claims to be the assignee of two certificates of sale of primary school lands, numbered three thousand nine hundred and thirteen, and three thousand nine hundred and fourteen, covering the south-east quarter of the south-west quarter, and the south-west quarter of the south-east quarter of section number sixteen, township eight south, of range two west, heretofore issued to Archibald Wirts, late of the county of Hillsdale, deceased, which certificates he claims were duly assigned in the course of the administration of the estate of said deceased, by Mary Wirts, as administratrix of the said estate, through which assignment the said Lee now holds and claims the said certificates and lands;

And whereas, It is claimed that certain of the records and papers of the probate court of Hillsdale county, showing the appointment of the said Mary Wirts as such administratrix, have been lost or destroyed, thereby rendering the evidence of her authority to assign said certificates imperfect, and said Cyrus Lee, claiming that as such assignee, he is legally and equitably the owner of said lands, and rightfully entitled to a conveyance thereof from the State; therefore

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Resolved by the Senate and House of Representatives of the State of Michigan, That the Commissioner of the State Land Office be and he is hereby authorized and directed to issue to said Cyrus Lee new certificates of sale of said lands, in place of said certificates issued to said Archibald Wirts, subject to the payment of any balance that may be due the State for said lands, upon satisfactory proof to the said Commissioner that the right to said certificate is equitably in said Cyrus Lee.

This resolution shall take immediate effect.

Approved March 8, 1865.

[No. 20.]

JOINT RESOLUTION requesting our members in Congress to use their best efforts to procure the repeal of the tax on the holy scriptures and school books.

Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators in Congress be instructed, and our Representatives be requested, to use their best efforts to procure the passage of a law, repealing the duty on the holy scriptures and school books.

Approved March 10, 1865.

[No. 21.]

JOINT RESOLUTION relative to the payment to the American Express company of the value of certain coupons lost by them.

Whereas, In the month of December, eighteen hundred sixty-two, twenty-four interest coupons of the bonds of the State of Michigan, for the sum of thirty dollars each, hereinafter described, amounting in all to the sum of seven hundred and twenty dollars, were lost from a package, while in transitu as is alleged, between Ogdensburgh, in the State of New York, and the city of New York, and in the care and custody of the

American Express company, forwarders and commission agents, a joint stock association under the laws of said State of New York, which said coupons are described as follows, viz: eighteen of said coupons were of the renewal bonds, so called, payable in the year eighteen hundred, seventy-eight, and numbered respectively, twenty-one, twenty-three, one hundred and one, one hundred and eighty-two, one hundred and eighty-three, one hundred and eighty-four, one hundred and eighty-five, one hundred and eighty-six, one hundred and eighty-seven, one hundred and eighty-eight, one hundred and eighty-nine, one hundred and ninety, one hundred and ninety-one, two hundred and two, two hundred and three, two hundred and four, two hundred and five and two hundred and six; two of said coupons were of the bonds of the State, issued for the St. Mary's canal loan, payable in eighteen hundred and seventy-eight, and numbered respectively, sixty and ninety; and the remaining four of said coupons were of the eight weeks or adjusted bonds, so called, numbered respectively, four hundred and twenty-one, four hundred and twenty-two, four hundred and forty-two and four hundred and seventy-six, all of said coupons being payable in January, eighteen hundred and sixty-three;

And whereas, Said American Express company, in consequence of such loss, became liable to pay, and did pay to the owners of said coupons the value thereof;

And whereas, Notice of said loss was immediately thereafter given by said company to, and the payment of said coupons stopped, at the proper places of payment of said coupons in the city of New York and elsewhere, and notice thereof promptly given to the State Treasurer;

And whereas, Said coupons have never, nor have any of them been paid by the State, nor presented for payment; therefore

Be it resolved by the Senate and House of Representatives of the State of Michigan, That the board of State auditors are hereby authorized and empowered, in their discretion, to audit and allow to the said American Express company the value of said

coupons, or any of them, lost as aforesaid, not exceeding in amount the sum of seven hundred and twenty dollars; and on such allowance the Auditor General shall draw his warrant or warrants on the State Treasurer, in favor of the treasurer of said company, for the amount so audited and allowed, to be paid by him out of any moneys in the treasury belonging to the proper funds upon which said coupons were a charge, not otherwise appropriated: *Provided*, That said company or some persons in their behalf, shall, before the delivery of said warrant or warrants, give to the State of Michigan a good and sufficient bond, to be approved by the Auditor General and State Treasurer, indemnifying the State against the payment of said coupons, or any of them.

Approved March, 14 1865.

[No. 22.]

JOINT RESOLUTION asking an appropriation of land by Congress to aid in the construction of a railroad from Escanaba to the Straits of Michilimackinac, near Fort Mackinaw.

Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators and Representatives in Congress be requested to use their influence to procure a donation of land by Congress, to aid in the construction of a railroad from at or near Escanaba, in the Little Bay de Noquet, the terminus of the Upper Peninsula railroad, to the Straits of Michilimackinac, near Fort Mackinaw.

Resolved, That the Governor be requested to immediately transmit copies of the foregoing resolution to our Senators and Representatives in Congress.

Approved March 14, 1865.

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[No. 23.]

JOINT RESOLUTION for the relief of Allen R. Burr.

Resolved by the Senate and House of Representatives of the State of Michigan, That all suits and proceedings in the name and on behalf of the State, against Allen R. Burr, of the city of Lansing, as one of the sureties of John McKinney, late State Treasurer, be discontinued, and the said Allen R. Burr is hereby forever released and discharged of and from all claims and demands of the State against him, as such surety as aforesaid.

[This resolution shall take immediate effect.]

Approved March 14, 1865.

[No. 24.]

JOINT RESOLUTION asking the government of the United States for an appropriation of money for the improvement of the channel of Muskegon harbor, in the State of Michigan.

Whereas, The channel of Muskegon harbor, on the eastern shore of Lake Michigan, in the county of Muskegon, and State of Michigan, is in such a condition that the entrance to the same is frequently not only difficult, but impossible;

And whereas, About one hundred sail vessels, besides several steamers, propellers and other water-craft are employed in the Muskegon trade, transporting annually nearly one hundred million feet of lumber, besides immense quantities of shingles, railroad ties, staves and other commodities, an absolute necessity exists for the immediate improvement of said channel, in order that the commercial facilities of a large portion of western Michigan may be increased; therefore, be it

Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators and Representatives in Congress be requested to use all honorable means to obtain an appropriation of fifty thousand dollars, in money or lands from the federal government, for the purpose of improving said Muskegon harbor.

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Resolved, That the Governor be requested to transmit copies of the foregoing preamble and resolution to our Senators and Representatives in Congress.

Approved March 15, 1865.

[No. 25.]

JOINT RESOLUTION for the relief of the township board of the township of Rush, in the county of Shiawassee.

Whereas, In the year eighteen hundred and sixty-four, the qualified electors of the township of Rush, in the county of Shiawassee, voted that said town should pay a bond of one hundred dollars to each man drafted from said township, for the purpose of filling the quota of said township; that pursuant to said vote the township board issued two bonds, one to John Shuster, and the other to John Henderson, for the sum of one hundred dollars each; therefore

Resolved by the Senate and House of Representatives of the State of Michigan, That the above mentioned bonds, issued by the township of Rush, to John Shuster and John Henderson, for the sum of one hundred dollars each, are hereby declared legal and valid.

This joint resolution shall take immediate effect.

Approved March 15, 1865.

[No. 26.]

JOINT RESOLUTION proposing an amendment to section one, article seven, of the constitution of Michigan, in relation to the qualification of electors.

Resolved by the Senate and House of Representatives of the State of Michigan, That the following amendment to the constitution of this State, be and the same is hereby proposed, that is to say:

ARTICLE VII.

SECTION 1. In all elections, every white male citizen, every white male inhabitant, residing in the State on the twenty-

fourth day of June, one thousand eight hundred and thirty-five; every white male inhabitant residing in the State on the first day of January, one thousand eight hundred and fifty, who has declared his intention to become a citizen of the United States, pursuant to the laws thereof, six months preceding an election, or who has resided in the State two years and six months, and declared his intention as aforesaid, and every civilized male inhabitant of Indian descent, a native of the United States, and not a member of any tribe, shall be an elector and entitled to vote; but no citizen or inhabitant shall be an elector or entitled to vote at any election, unless he shall be above the age of twenty-one years, and has resided in the State three months, and in the township or ward in which he offers to vote, ten days next preceding such election: *Provided, That* in time of war, insurrection or rebellion, no qualified elector in the actual military service of the United States or of this State, in the army or navy thereof, shall be deprived of his vote by reason of his absence from the township, ward or State in which he resides; and the legislature shall have the power, and shall provide the manner in which, and the time and place at which such absent electors may vote, and for the canvass and return of their votes to the township, or ward election district, in which they respectively reside or otherwise. The said amendment shall be and is hereby submitted to the people at the next general election, to be holden on the Tuesday succeeding the first Monday in November, eighteen hundred and sixty-six, as provided in section one, article twenty, of the constitution; and the Secretary of State is hereby required to give notice of the same, to the sheriffs of the several counties of this State, in the same manner that he is now by law required to do, in the case of an election of Governor and Lieutenant Governor; and the inspectors of election in the several townships and cities of this State, shall prepare a suitable box for the reception of ballots cast for and against such amendment. Each person voting for said amendment shall have written or printed on his ballot, the words "amendment as to soldiers' voting, yes;" and each per-

son voting against it, the words "amendment as to soldiers voting, no;" the ballots in all respects shall be canvassed as the votes for Governor and Lieutenant Governor are required to be canvassed.

Approved March 15, 1865.

[No. 27.]

JOINT RESOLUTION providing for the payment of the claim of William Beard and others, for the improvement of the sand flats of the Muskegon river.

Resolved by the Senate and House of Representatives of the State of Michigan, That the claim of William Beard, and other parties interested, is hereby referred to the board of State auditors, to examine, audit and allow, at such an amount not exceeding fifty thousand dollars, as they may find justly and equitably due and owing to them for work done and money expended in the improvement of navigation over the sand flats of the Muskegon river, less the amount which may have been paid to any of such parties in swamp lands, under the provisions of joint resolution number eight, of session laws of eighteen hundred and sixty-four; to such allowance shall be added interest from the date of acceptance of the work by the Governor to the date of such allowance by the board. And it shall also be the duty of said board to examine into the state of the internal improvement fund, and determine the amount of the said fund which remains unappropriated. And the Auditor General is hereby authorized and directed to draw his warrant or warrants on the State Treasurer, for such sums as may be found unappropriated as aforesaid, provided it does not exceed the amount of allowance by said board, and the Treasurer shall pay the same from the said fund; the portion remaining unpaid, if any, shall be paid from tolls to be collected from property passing through said improvement, in the manner now provided, or which may hereafter be provided by law, as follows, viz:

The whole sum remaining unpaid, with interest from the date of such allowance, to be collected within five years from the passage of this resolution, one-fifth each year, as near as may be, upon rates to be fixed for that purpose, by the commissioner of said work, over and above the rates necessary for keeping the work in repair. Said commissioner shall file a bond, with sufficient sureties, with the State Treasurer, for the faithful performance of his duties under the provisions of this resolution, and shall every three months make returns and payment into the State treasury, of all moneys received by him under the provisions of this resolution, which moneys so paid in shall be paid on the warrant of the Auditor General to liquidate said Muskegon improvement claim. Said commissioner is hereby authorized to make estimates, as a basis of charging tolls, of all such floatable property either before or after the same shall have passed through said work, and when the tolls are fixed and levied by said commissioner, they shall attach to and remain a lien upon all property so passed and tolled, until fully paid. The compensation of the commissioner herein named shall be three dollars per day. So much of all acts and resolutions, so far as they contravene the provisions of this resolution, are hereby suspended until the objects contemplated in this resolution shall be accomplished.

This resolution shall take immediate effect.

Approved March 15, 1865.

[No. 28.]

JOINT RESOLUTION authorizing the Governor to issue a patent of certain lands to Washington Holmes.

Whereas, Certificate number three thousand and ninety, primary school lands, was issued at the State Land Office on the twenty-eighth day of November, A. D. eighteen hundred and fifty, to Alanson B. Withey and Orson A. Cooley;

And whereas, Said Withey and Cooley assigned said certificate

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to Alexis N. Loomis, and by said Loomis the said certificate was re-assigned to said Withey and Cooley, and by said Withey, his interest in the said certificate was assigned to the said Orson A. Cooley, and by Andrew O. Cooley (supposed to be the same as Orson A. Cooley) the said certificate was assigned to Elizabeth Davis, and by the said Elizabeth Davis and William Davis, her husband, said certificate was assigned to Washinton Holmes;

And whereas, Said Washington Holmes has paid all sums due on said certificate, as appears by the certificate of Cyrus Hewitt, Deputy commissioner of the State Land Office, bearing date the thirtieth day of December, eighteen hundred and sixty-four; therefore

Resolved by the Senate and House of Representatives of the State of Michigan, That the Governor be and he is hereby authorized and directed to execute and deliver to said Washington Holmes a patent for the land described in said certificate.

Resolved, That this joint resolution take immediate effect.

Approved March 18, 1865.

[No. 29.]

JOINT RESOLUTION for the relief of Amos Gould.

Whereas, It is claimed by Amos Gould that he is the equitable and undisputed owner of all the right conferred on Jerry Bloodsworth, by swamp land warrant number two thousand five hundred and seventy-five, issued on the eleventh day of August, eighteen hundred and fifty-eight, for the west half of the north-west fractional quarter of section seven, town seven north, of range two east, but that certain of the assignments of said certificate are imperfect, in that they are not witnessed and acknowledged as required by law, and that some of the persons making such assignments are dead, and the residence of others cannot be ascertained so that said assignments can be perfected;

Resolved by the Senate and House of Representatives of the State of Michigan, That the Commissioner of the State Land Office,

on receiving from said Amos Gould, his heirs or assigns, the said certificate and assignments, to be canceled, and the balance of principal and interest unpaid on the said certificate, be and he is hereby authorized to give the said Amos Gould, his heirs or assigns, the full benefit of said certificate and assignments, and all the rights that would accrue to him thereby, the same as if such assignments were duly witnessed and acknowledged according to law, and cause to be issued to him or them the usual patent or conveyance for said land, upon proof that he is the equitable owner thereof.

This joint resolution shall take immediate effect.

Approved March 18, 1865.

[No. 30.]

JOINT RESOLUTION for the relief of David W. Noyes, Loren Andrews, Unn Miller and Hiram W. Miller, heirs at law of Joseph Miller, deceased.

Whereas, David W. Noyes, Loren Andrews and Joseph Miller, of the town of Washington, in the county of Macomb, did on the first day of January, eighteen hundred and forty, pay to the Auditor General the sum of seventy-five dollars for rent of three-quarters of section number thirty-four, in town four north of range twelve east, for a license to occupy said land; therefore

Resolved by the Senate and House of Representatives of the State of Michigan, That the board of State auditors be and are hereby authorized and instructed to examine said claim, and to allow to said parties, or their legal representatives, so much as they shall find justly due, of principal and interest, to them from the State, and for such sum so allowed by said board, the Auditor General is hereby instructed to draw his warrant on the State Treasurer, and the State Treasurer is hereby required to pay the same out of any money in the treasury not otherwise appropriated.

This joint resolution shall take immediate effect.

Approved March 18, 1865.

JOINT RESOLUTIONS.

[No. 31.]

JOINT RESOLUTION to authorize the Commissioner of the State Land Office, to deed certain lands to Maria E. Linneman.

Whereas, On the seventeenth day of February, eighteen hundred and fifty-four, Frank Linneman became the purchaser of certificate number forty-eight hundred and fifty-nine, of primary school lands, being the south-east quarter of north-west quarter of section sixteen, township six north, range four west, Clinton county, Michigan;

And whereas, Said land has been paid for and receipted, as the law directs;

And whereas, The said Frank Linneman died intestate, making a general assignment to his wife, Maria E. Linneman, of all his estate; therefore

Resolved by the Senate and House of Representatives of the State of Michigan, That the Commissioner of the State Land Office is hereby authorized to issue a deed of said land to the said Maria E. Linneman.

Approved March 18, 1865.

[No. 32.]

JOINT RESOLUTION for the relief of Robert W. Cummings.

Whereas, Robert W. Cummings, as assignee of Daniel L. Bently, represents that he has unjustly suffered considerable expense in prosecuting the writ of mandamus in the supreme court of this State, in the case of the people or the relatives [on the relation] of said Cummings, against the State Treasurer, decided in said court in November, eighteen hundred and fifty-nine, in order to sustain his rights to a parcel of swamp land in said proceedings mentioned; therefore

Be it resolved by the Senate and House of Representatives of the State of Michigan, That the board of State auditors are

hereby authorized and empowered to audit and allow to said Robert W. Cummings such sums of money as were actually and necessarily paid out, and the reasonable expenses incurred by him in the prosecution of and hearing upon said writ of mandamus in said supreme court, not exceeding in all the sum of one hundred dollars, upon the proper vouchers, verified by affidavit, to the satisfaction of said board; and on such allowance the Auditor General may issue his warrant on the State Treasurer in favor of said Cummings for the amount so audited and allowed, payable out of any moneys in the treasury not otherwise appropriated.

Approved March 20, 1865.

[No. 33.]

JOINT RESOLUTION for the relief of Byron Ayres, township treasurer of the township of Van Buren, in the county of Wayne.

Whereas, Byron Ayres, of the township of Van Buren, in the county of Wayne, was robbed of the sum of four thousand six hundred dollars, or thereabouts, on the fifteenth day of January, eighteen hundred and sixty-five, which said amount had been collected by him as collector and treasurer of said township;

And whereas, Said sum of four thousand six hundred dollars has not been recovered by him, nor any part thereof; therefore

Resolved by the Senate and House of Representatives of the State of Michigan, That said Byron Ayres be and he is hereby relieved from the payment of said amount, of which he was so robbed, and that the same be re-assessed and levied upon the taxable property of said township, and collected and returned in the same manner and at the same time as the taxes for the year eighteen hundred and sixty-five are levied and collected: *Provided*, That no such assessment and return of such amount shall be valid, nor shall such relief be granted to the said

Byron Ayres, unless by a majority vote, by ballot, of the electors of said township of Van Buren, at the general election, or a special election called for that purpose; and whenever said electors shall be called upon to vote upon said subject, it shall be the duty of the township clerk to cause written or printed notices to be posted in five public places, twenty days preceding such election, stating—first, the time and place of holding such election; second, the object for which said election is called; and the questions submitted to the electors shall be those contained in the call; and those who vote in the affirmative, shall vote a ballot on which is written or printed, “for the relief of Byron Ayres—yes;” and those who vote in the negative, shall vote a ballot on which is written or printed, “for the relief of Byron Ayres—no.” The election shall be conducted in the same manner as annual township elections are conducted, and the result shall be certified to by the board of inspectors, and filed in the township clerk’s office of said township.

This joint resolution shall take immediate effect.

Approved March 20, 1865.

[No. 34.]

JOINT RESOLUTION for the location and establishment of a naval station and dock-yard within the State of Michigan.

Whereas, The relations of the United States with foreign countries are such, that we deem it important that prompt and ample measures be taken to provide adequate protection to the commerce of our western lakes, and to ensure a more perfect defense of our exposed frontier, we believe it of the highest interest, and the indispensable duty of the government of the United States, to immediately establish a naval station and dock-yard, for the construction and equipment of suitable vessels for such protection;

And whereas, The State of Michigan is almost entirely surrounded by navigable waters, the opposite shores of a large

portion of which are held by a foreign government, and exposed to foreign incursions and invasions, by which the immense commerce of the northwest, and other property of its citizens, are subject to capture and devastation, absolutely demanding, by such peculiar situation, the care and protection of the federal government; therefore

Resolved, That our Senators in Congress be instructed, and our Representatives requested, to urgently present this momentous subject to the attention of the general government, and to use all honorable means to secure the immediate location and establishment of a naval station and dock-yard at Grand Haven, on the eastern shore of Lake Michigan.

Resolved, That the Governor be requested to transmit copies of the forgoing preamble and resolutions to our Senators and Representatives in Congress.

Approved March 21, 1865.

[No. 35.]

JOINT RESOLUTION asking Congress for a donation of lands for the construction of a telegraph line between some point on the Saginaw river, to the Saut Ste. Marie, in the State of Michigan.

Whereas, The construction of a telegraph line from some point on the Saginaw river, to the Straits of Mackinaw, thence across said straits by means of a submarine cable, and thence to Sault Ste. Marie, is proposed to be made by the Detroit and Lake Superior telegraph company, organized under the laws of Michigan;

And whereas, Said telegraph line, if constructed, will prove to be a great public benefit as a means of protecting the interests of the State and the general government in the Upper Peninsula, affording the means of easy and quick communication between extreme points in the State, and in view of the great value of the Saut. Ste. Marie canal, and important mil-

itary posts now constructed, and which may be constructed, aside from the vast commercial interests;

And whereas, In consequence of the difficulties to be overcome in constructing a telegraph line on the route proposed, and the limited return expected from local business, no company or individuals would undertake the construction of said telegraph line without aid and assistance, that such aid and assistance as is proper should be granted to secure the early completion of the proposed work; therefore

Resolved by Senate and House of Representatives of the State of Michigan, That our Senators and Representatives in Congress be requested to use their influence to procure a donation of lands by Congress to said Detroit and Lake Superior telegraph company, for the purpose of aiding them in the construction of said proposed telegraph line.

Resolved, That the Governor be and he is hereby requested to transmit a copy of the foregoing resolutions to each of our Senators and Representatives in Congress.

Approved March 21, 1865.

[No. 36.]

JOINT RESOLUTION asking the government of the United States for an appropriation of money for the improvement of the harbor of White river, in Muskegon county, and also for the building of a light-house at the same place.

Whereas, White river, situated on the western shore of the State of Michigan, has become (by reason of its exports of lumber, timber, shingles, chingle bolts, railroad ties and other property) of considerable and fast growing importance, requiring in the year eighteen hundred and sixty-four, a fleet of about fifty sail vessels and three steamers of light draft, the same being insufficient to meet the demand, owing mainly to the imperfect condition of the harbor;

And whereas, Owing to its location, a harbor (such as might be made and maintained, at comparative small cost) and light-

house, would be of very great importance to all the marine interest upon Lake Michigan; therefore, be it

Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators and Representatives in Congress be requested to use all honorable means to obtain an appropriation of fifty thousand dollars from the federal government, for the purpose of improving the harbor of White river, and erecting a light-house near the same.

Resolved, That the Governor be requested to transmit copies of the foregoing preamble and resolution to each of our Senators and Representatives in Congress.

Approved March 21, 1865.

[No. 37.]

JOINT RESOLUTION authorizing and directing the Auditor General to credit the county of Marquette with certain sums, upon the books of his office, and to charge the county of Menominee therewith.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Auditor General of this State be and he is hereby authorized and directed to credit the county of Marquette, upon the books of his office, with the sum of six hundred ninety-seven dollars and twelve cents, being the amount of the State tax for eighteen hundred and sixty-one, and taxes charged back in eighteen hundred and sixty-two, and interest thereon, to said county on account of the then county of Bleeker, and to charge the same amount to the county of Menominee, where the lands upon which the same can be assessed are situate.

This joint resolution shall take immediate effect.

Approved March 21, 1865.

JOINT RESOLUTIONS.

• [No. 38.]

JOINT RESOLUTION in relation to the sale of the compiled laws by county treasurers.

Be it resolved by the Senate and House of Representatives of the State of Michigan, That the county treasurers of the several counties are hereby authorized and directed to sell any copies of the compiled laws that are now in their offices for sale, at one dollar and twenty-five cents per copy, and the county treasurers may require of the State Treasurer additional copies from time to time, in sufficient numbers to supply the demand for them, at the same price, until the supply now on hand shall be exhausted.

This resolution shall take immediate effect.

Approved March 21, 1865.

[No. 39.]

JOINT RESOLUTION relative to the distribution of the laws, journals and documents of the session of the legislature of the year A. D. one thousand eight hundred and sixty-five.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Secretary of State be and he is hereby authorized and directed to forward one copy of the laws and resolutions passed at the present session of the legislature; also one copy of the journals and documents of the Senate and House of Representatives, and joint documents of the Senate and House of Representatives, including one copy of the supplementary report of the Adjutant General, to each of the members and officers of the two Houses, directed to the clerks of the several counties in which said members and officers reside, as soon as the same shall be printed and bound, ready for delivery.

Approved March 21, 1865.

[No. 40.]

JOINT RESOLUTION for the relief Carlos B. Plumb.

Whereas, Carlos B. Plumb is the assignee and the equitable owner of all the right, title and interest in and to certain primary school lands which was vested in Peter Demund by virtue of primary school land certificate number three hundred and thirty-eight, executed and issued by John D. Pierce, Superintendent of Public Instruction, on the third day of October, A. D. eighteen hundred and thirty-seven;

And whereas, Some of the assignments by and through which the said Carlos B. Plumb, holds the said certificate, and is entitled to said lands, were not acknowledged as required by law, and are therefore imperfect, and the persons who executed the said assignments are dead, and none of their legal representatives remain to perfect the said assignments by acknowledgments; therefore

Resolved by the Senate and House of Representatives of the State of Michigan, That the Commissioner of the State Land Office be and he is hereby authorized and directed to give to the said Carlos B. Plumb, his heirs, administrators and assigns, all the rights and benefits equitably accruing to him or them through and by virtue of said assignments, the same as if such assignments had been legally acknowledged.

This resolution shall take immediate effect.

Approved March 21, 1865.

[No. 41.]

JOINT RESOLUTION to authorize the Auditor General to cancel all sales made at the annual tax sales for the county of Wayne, in the year eighteen hundred and sixty three, and re-advertise and re-offer the same for sale, and to authorize him to pay certain moneys to the publishers of the Detroit Advertiser and Tribune.

Whereas, The Auditor General is, by section seventy-eight, of the tax law of eighteen hundred and fifty-eight, commanded

to cause a statement of all such lands as the taxes shall remain due upon, in each of the respective counties, specifying the amount of taxes due on each parcel, the interest thereon to the first Monday of October thereafter, and a list of all lands not sold by the several county treasurers at the time prescribed by law, on account of error in advertising, or other cause not affecting the legality of the assessment, or requiring a rejection of the taxes thereon, and on which the taxes, interest and charges still remain unpaid or not otherwise discharged, for the taxes of any year prior to that for which the statements above mentioned are made up, to be published in the county in which the lands therein described are situated, for eight weeks successively next previous to the first Monday of October in each year, (which shall be construed to mean eight publications once a week, in one newspaper printed and published in said county;)

And whereas, The Auditor General, in pursuance to the provisions and requirements of said section, caused to be sent for publication, to the publishers of the Detroit Advertiser and Tribune, (a newspaper published in the county of Wayne,) such statement of land situated in the county of Wayne, delinquent for taxes for the year eighteen hundred and sixty-two, and previous years;

And whereas, Such statement was not published in accordance with the provisions and requirements of the above recited section, inasmuch as the publishers of said paper allowed more than one week to intervene between the last day of publication and the day of sale;

And whereas, The lands described in such statement, so advertised as aforesaid, were duly sold by the treasurer of the county of Wayne, on the fifth day of October, eighteen hundred and sixty-three;

And whereas, The publication of said statement as aforesaid, was not made in accordance with the provisions and requirements of said section seventy-eight, the sales made thereunder are absolutely null and void;

And whereas, A number of such descriptions so sold as aforesaid, have been redeemed and paid before sale, and after the first day of July, eighteen hundred and sixty-three, and the "expenses of sale" thereon paid to the Auditor General; be it therefore

Resolved by the Senate and House of Representatives of the State of Michigan, That the Auditor General be and he hereby is authorized to cancel, set aside and annul each and every sale of lands in the county of Wayne, for taxes of the year eighteen hundred and sixty-two, and previous years, made on the fifth day of October, eighteen hundred and sixty-three, and advertised to be sold as aforesaid, and to refund to the purchasers of said land so sold as aforesaid, their purchase money and interest on the same; and the Auditor General is hereby authorized and empowered to re-advertise and re-offer for sale all such lands advertised and sold as aforesaid, and that he cause the same to be sold at the regular annual tax sale on the first Monday in October, of the year eighteen hundred and sixty-five. And be it further

Resolved by the Senate and House of Representatives of the State of Michigan, That the Auditor General be and he hereby is authorized and empowered to pay to the publishers of the Detroit Advertiser and Tribune, the sum of forty cents for each and every description so redeemed from such sale, and paid before sale after the first day of July, eighteen hundred and sixty-three, as aforesaid.

This resolution shall take immediate effect.

Approved March 21, 1865.

[No. 42.]

JOINT RESOLUTION relating to the unsafe condition of the Waugooshance light-house, in the Straits of Michilimackinac.

Whereas, The piers and breakwaters surrounding the Waugooshance light-house, in the Straits of Michilimackinac, are in an unsafe and critical condition.

And whereas, The said light-house is the most necessary and important light on the whole chain of lakes, and has cost over a quarter of a million of dollars; therefore

Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators and Representatives in Congress are hereby requested to immediately call the attention of the treasury department to the subject.

Approved March 21, 1865.

[No. 43.]

JOINT RESOLUTIONS on the state of the Union.

Resolved by the Senate and House of Representatives of the State of Michigan, That in the name, and in behalf of the people of the State of Michigan, we hereby re-affirm the devotion of this Commonwealth to the Constitution and government of the United States, and the earnest determination of its people to do everything in their power, to support and sustain the national administration, in all measures for the vigorous prosecution of the existing war, the utter overthrow of armed rebellion, and the punishment of traitors, until a permanent peace shall be secured, based upon the submission of the rebels, the supremacy of the government, and the establishment of the Federal Union, in all its integrity, one and inseparable, throughout the entire land.

Resolved, That as American slavery degrades man, and robs him of those sacred rights to life, liberty, and the pursuit of happiness, to secure which, governments are instituted among men; as it has long shown itself an enemy to the public peace, and inspired, caused, and is justly responsible for all the blood and tears, the crimes and horrors that cluster about this unholy rebellion, the dictates of humanity, the common welfare, the safety and perpetuity of the nation, as well as justice and liberty, imperatively demand the complete extirpation of this

great wrong from every foot of the national soil; we therefore approve the measures adopted by the administration for its destruction, as an effective means for 'weakening the rebellion, and strengthening the power of the Union, and most heartily endorse the amendment proposed to the Federal Constitution, prohibiting the existence of slavery in all of the States and Territories of the nation.

Resolved, That the wisdom, prudence, and faithful devotion to the preservation of the national life, that have characterized the administration of the general government, by Abraham Lincoln, and of the State government, by Austin Blair, under circumstances of great difficulty and peril, merit our most hearty approval; and we fully endorse the measures and means adopted in their administration of public affairs, to put down this unholy and unjustifiable rebellion, and to preserve the nation against its avowed enemies.

Resolved, That we extend our sincere thanks to the soldiers of Michigan, and of the Union, for their unfaltering faith in the justice of our cause, their self-sacrificing patriotism, their patient endurance, their heroic fortitude, their unsurpassed valor, and their glorious victories, whereby the honor of our flag has been maintained, the rebellion shorn of its strength and greatly contracted in its limits, and the day of our final triumph rapidly hastened.

Resolved, That the inhuman and barbarous treatment of our brave and suffering soldiers confined in rebel prisons, is shocking to humanity contrary to the usages of modern warfare, and betrays a cruelty and baseness on the part of their captors at which the heart sickens, which is in keeping with the infamy of the rebellion, and should bring upon its guilty authors the execration and abhorrence of the civilized world.

Resolved, That the thanks of the State are eminently due to its patriotic daughters, whose words of encouragement and gentle and sympathizing deeds of kindness and love, joined with their generous contributions of labor and means, through the instrumentality of aid societies and sanitary and christian

JOINT RESOLUTIONS.

commissions, have cheered the hearts and contributed largely to the relief and comfort of our sick and wounded soldiers.

• *Resolved*, That the Governor be and he hereby is requested to furnish to the President of the United States, and to our Senators and Representatives in Congress, a copy of the foregoing resolutions.

Approved March 21, 1865.

CONCURRENT RESOLUTIONS.

[No. 1.]

CONCURRENT RESOLUTION to provide for the purchase of all principal standard works on parliamentary law, for the use of the Legislature.

Resolved, That the State Librarian be directed to purchase forthwith, all the principal standard works on parliamentary law, and deposit the same in the State library for the use of the legislature.

Approved February 9, 1865.

[No. 2.]

CONCURRENT RESOLUTION.

Resolved, (the House concurring,) That one thousand copies each of the retiring and incoming Governors' messages be printed and placed in the hands of the Adjutant General, for the purpose of distributing the same equally among the several regiments of soldiers from this State, now in the field.

Approved March 20, 1865.

[No. 3.]

CONCURRENT RESOLUTION.

Resolved, (the House concurring,) That the Secretary of State is hereby authorized to publish two thousand copies of Governor Crapo's inaugural message in the German language, at a cost not exceeding two hundred dollars, in full for transla-

CONCURRENT RESOLUTIONS.

tion and printing; and that the same be circulated in this State, and in foreign countries, in the direction [discretion] of the Secretary of State and Governor, at a cost of postage not exceeding thirty dollars.

Approved March 20, 1865.

[No. 4.]

CONCURRENT RESOLUTION.

Resolved, By the Senate, (the House concurring,) That of each bill and joint resolution ordered printed, three hundred copies be furnished for the use of the members of the Legislature.

Approved March 20, 1865.

[No. 5.]

CONCURRENT RESOLUTION.

Resolved, By the Senate, (the House concurring,) That the State printer be instructed to transmit to each newspaper in the State, and to supreme and circuit judges, one copy each of the daily journal of the Senate and House of Representatives, during the session.

Approved March 20, 1865.

[No. 6.]

CONCURRENT RESOLUTION.

Resolved, (the House concurring,) That the Secretary of State be and he is hereby authorized and directed to forward one copy of the laws and resolutions passed at the present session of the legislature; also, one copy of the journals and documents of the Senate and House of Representatives, and

joint documents of the Senate and House of Representatives, to each of the members and officers of the two Houses, directed to the clerks of the several counties in which said members and officers reside, as soon as the same shall be printed, bound and ready for delivery.

Approved March 20, 1865.

[No. 7.]

CONCURRENT RESOLUTION.

Resolved, By the Senate, (the House concurring,) That the journals, documents and laws of the session of the legislature of the year eighteen hundred and sixty-five, be bound in the same style, as near as may, consistently and practicably, as the binding of the laws and journals of the legislative session of eighteen hundred and sixty-three, the same to be done under the direction of the board of State auditors.

Approved March 20, 1865.

[No. 8.]

CONCURRENT RESOLUTION.

Resolved, (the House concurring,) That the committee on printing of the Senate and House of Representatives, be authorized to act as a joint committee, and be instructed to prepare and cause to be published, for the use of the Senate and House of Representatives of this and the next legislature, a manual, containing the rules of the Senate and House of Representatives, joint rules, Constitution of the United States and of this State, a diagram of the Senate Chamber and Hall of the House of Representatives, and such other matter as is usually incorporated in such a work.

Approved March 20, 1865.

CONCURRENT RESOLUTIONS.

[No. 9.]

CONCURRENT RESOLUTION.

Resolved, (the Senate concurring,) That the Secretary of the Senate and the Clerk of the House of Representatives, be and they are hereby authorized and requested to compile and prepare for publication, and make indexes and superintend the publication of the journals and documents of the present legislature, and when completed and certified to by the Secretary of State, the Secretary of the Senate shall be entitled to and receive for his services, the sum of four hundred and fifty dollars; and the Clerk of the House of Representatives shall be entitled to and receive for his services the sum of four hundred and fifty dollars.

Approved March 21, 1865.

[No. 10.]

CONCURRENT RESOLUTION.

Resolved, By the House of Representatives, (the Senate concurring,) That the Secretary of State be and he is hereby instructed to enlarge the Hall of the House of Representatives before the assembling of another session of the legislature, by extending the same by building an addition on the south end of the State house; said extension to be sixteen feet wide, so as to admit of the speaker's desk and two committee rooms in the new part, and put the speaker's desk and the committee rooms in the new part of the same as they now are in the present hall, and to take out the old desk and committee rooms, and fit up the hall as best it can be with the above enlargement, and also to sufficiently ventilate the hall so as to promote the health and comfort of members; and also to provide new chairs and tables for the Hall of Representatives similar to those now in the Senate Chamber; also to construct suitable hat and cloak rooms for the Senate Chamber and the Hall of the House of Representatives, and there is hereby appropriated

CONCURRENT RESOLUTIONS.

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from the general fund of the State, a sum not to exceed five thousand dollars, to carry the said work and improvement into effect.

Approved March 21, 1865.

[No. 11.]

CONCURRENT RESOLUTION.

Resolved, (the Senate concurring,) That the Secretary of State cause to be published with the laws of the present session, all concurrent resolutions which shall be passed during the session, and that the committee on enrolled bills of the Senate and House cause all concurrent resolutions in which an appropriation of money is made, to be properly enrolled and presented to the Governor for his signature.

Approved March 21, 1865.

[No. 12.]

CONCURRENT RESOLUTION.

Resolved, (the Senate concurring,) That the Secretary of State be and he is hereby required to furnish to each circuit court commissioner in the State of Michigan, who are not already provided with the same, one copy of the compiled laws, and the subsequent session laws.

Approved March 21, 1865.

[No. 13.]

CONCURRENT RESOLUTION.

Resolved, By the House of Representatives, (the Senate concurring,) That on this anniversary of the birthday of the father of his country, the thanks of this legislature, and through us, of the people of the State, are hereby tendered to the soldiers of

CONCURRENT RESOLUTIONS.

Michigan, who promptly responded to the call of their country in its time of peril, and who, by their fortitude and soldierly bearing under the privations and hardships of a soldier's life, "in camp and field, through march and siege," and by their indomitable bravery and heroism on scores of battle-fields, have won exalted honor to themselves, and crowned with unfading glory the name and fame of Michigan.

Resolved, (the Senate concurring,) That the Clerk of this House be and he is hereby requested to forward a copy of the foregoing resolution to each of the regiments and batteries of Michigan soldiers now in the field.

Approved March 21, 1865.

[No. 14.]

CONCURRENT RESOLUTION.

Whereas, The Hon. Austin Blair, whose valedictory message was delivered to this legislature on the fifth of January, eighteen hundred and sixty-five, has retired to private life;

And whereas, The four years of his administration have been the most laborious, as well as the most perilous in the history both of the State and of the nation, with eleven of the most southern States banded together in the most unjustifiable rebellion that the world has ever known;

And whereas, Governor Blair's administration has been marked by eminent ability, rare integrity, and unsurpassed success, as shown by the enlistments and organization into companies, regiments and batteries in the most perfect military order, of over eighty thousand men, as brave, true and patriotic as ever bared their breasts to any foe; therefore

Resolved, (the Senate concurring,) That the thanks of the people of Michigan, through this legislature, are hereby cordially tendered to ex-Governor Blair, for the able and satisfactory manner in which he has, during his administration of the

last four years, been able to conduct the affairs of the government of the State.

Approved March 21, 1865.

[No. 15.]

CONCURRENT RESOLUTION.

Whereas, The State prison chapel is in a bad condition, being a dark, dingy and comfortless place, not being in any respect what it should be to accomplish the end sought by the State in the establishing of this department of our prison; therefore

Resolved, (the Senate concurring,) That the prison inspectors are hereby instructed to make such necessary repairs as are needed, and can, consistent with safety be made, to make the prison chapel a cheerful and comfortable room.

Approved March 21, 1865.

NOTE.—The words and sentences enclosed in brackets in the foregoing laws and resolutions were in the engrossed copies, as passed by the legislature, but not in the enrolled copies.



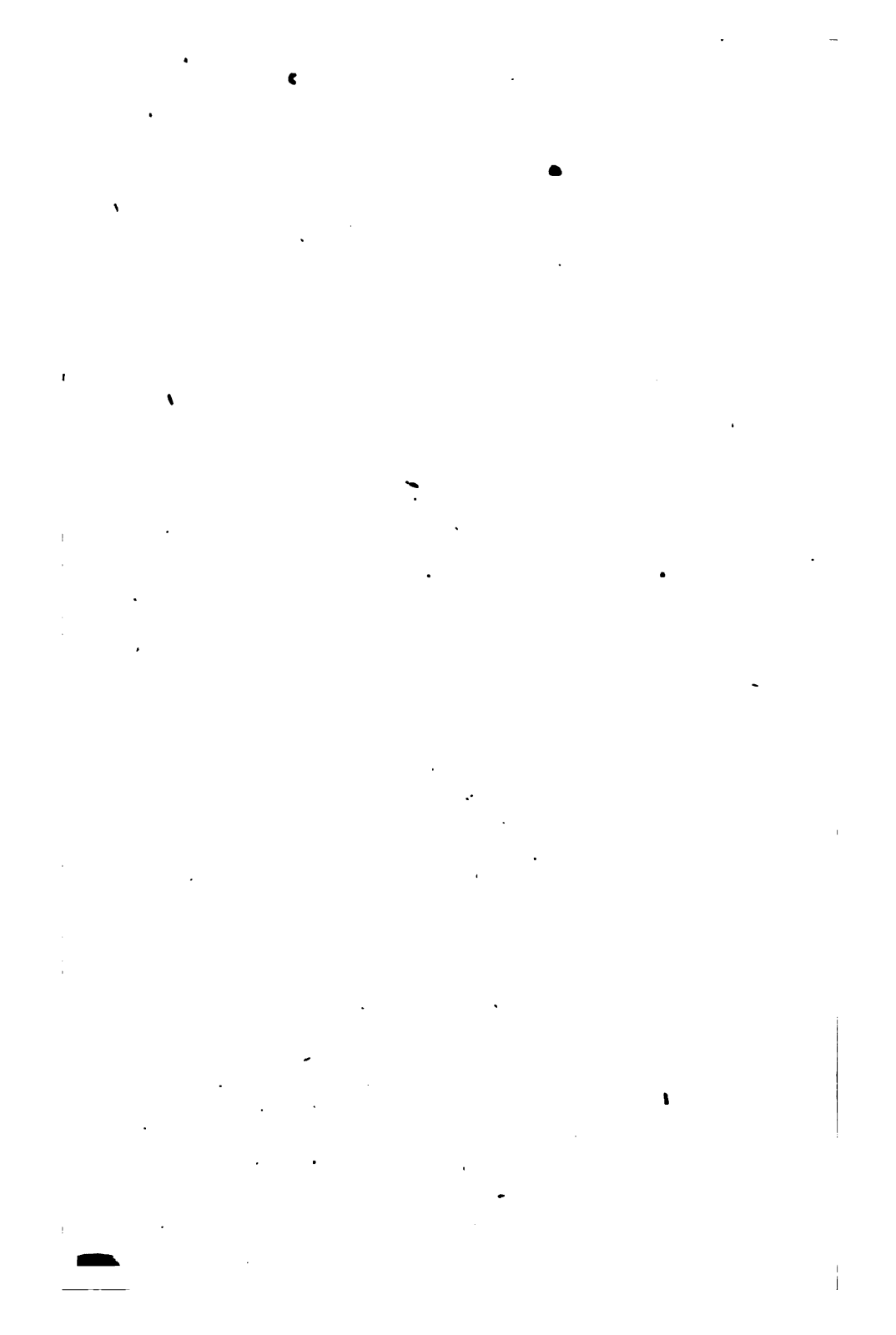
CERTIFICATE.

STATE DEPARTMENT, MICHIGAN, } ss.
Secretary's Office,

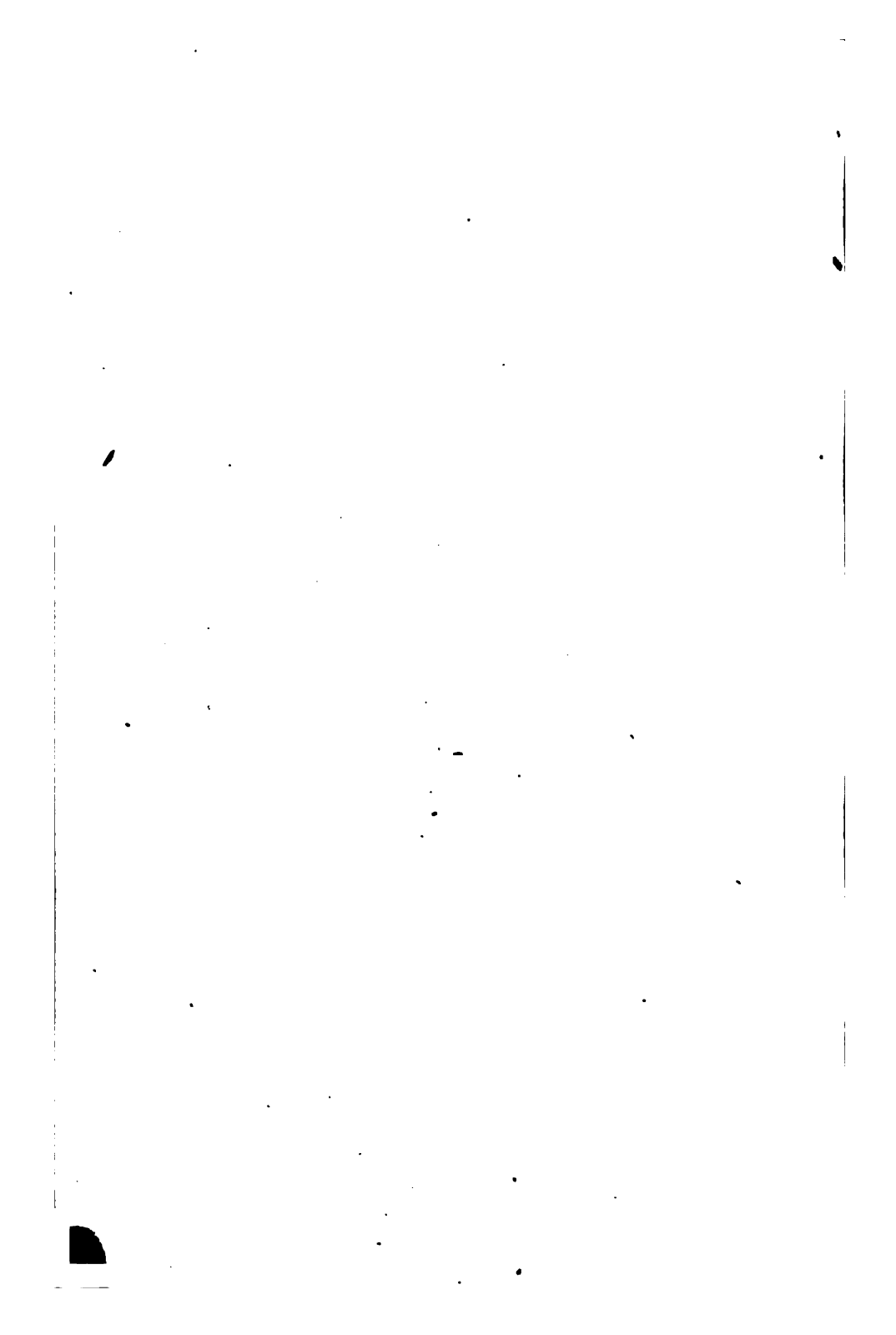
I, JAMES B. PORTER, Secretary of State of the State of Michigan, do hereby certify that the date of the final adjournment of the regular session of the legislature of this State, for the present year, was March twenty-third, one thousand eight hundred and sixty-five.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the great seal of the State of Michigan, [L. s.] at Lansing, this twenty-first day of June, in the year of our Lord one thousand eight hundred and sixty-five.

JAMES B. PORTER,
Secretary of State.



A P P E N D I X :
CONTAINING
CERTIFIED STATEMENTS OF BOARDS OF SUPERVISORS
RELATIVE TO THE
ERECTION OF NEW TOWNSHIPS:
ALSO,
STATE TREASURER'S ANNUAL REPORT
FOR THE YEAR 1864.



APPENDIX.

HOUGHTON COUNTY.

At the annual meeting of the board of supervisors for the county of Houghton, continued and held at the clerk's office, at Houghton, in said county, on Monday, October the 19th, A. D. 1863.

Present, John H. Forster, supervisor from the township of Hancock, and chairman of the board; John Atwood, supervisor from the township of Portage; and Oscar J. Foster, supervisor from the township of L'Anse, and Seth Rees, clerk of the board.

In the matter of the application of S. S. Robinson and others, for the erection and organization of a new township, to be taken from the township of Hancock.

It appearing to the board of supervisors of the county of Houghton, in the State of Michigan, that application has been made for a division of the township of Hancock, by twelve freeholders, residents of each of the townships to be affected thereby, and that notice thereof has been signed, posted up and published as in the manner and form required by law, and this board having been furnished with a map of all the townships to be affected by the division, showing the proposed alteration, and having duly considered the matter of said application, the board do hereby order and enact that all that part of the township of Hancock lying east of a line drawn as follows, to wit: Commencing at the northern shore of Portage Lake, on the section line dividing sections 35 and 36, in township 55 north, range 34 west, and running north on said line to the north line of said township 55 north, range thirty-four

west, thence east to the north-east corner of said township fifty-five north, range thirty-four west, thence north on the township line between ranges 33 and 34, to the shore of Lake Superior, be and the same is hereby erected into a new township to be called and known by the name of Franklin, and the first township meeting of said township of Franklin, shall be held at the old office of the Franklin Mining Company, on the first Monday in April, 1864, and at said meeting, Jacob Houghton, John P. Hodgson and Charles L. Wheeler, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of election at any township meeting, as the law provides; and John H. Forster is hereby appointed to post up notices, according to law, of the time and place of holding said meeting in the newly organized township of Franklin.

The above resolution was adopted by the following vote, to wit:

AYES—John H. Forster, John Atwood and Oscar J. Foote.

NAYS—None.

J. H. FORSTER, *Chairman.*

SETH REES, *Clerk.*

STATE OF MICHIGAN, }
County of Houghton, } ss.

I, Seth Rees, clerk of said county of Houghton, and clerk of the board of supervisors of said county, do hereby certify that I have carefully compared the foregoing copy of an order of said board with the records thereof in my office, and the copy thereto attached of the map of the new township of Franklin, furnished to said board, on the application of S. S. Robinson and others, for the erection and organization of said township, and I do further certify that the foregoing is a true copy of the order of said board, as passed by them at their meeting held at Houghton, in said county, on the 19th day of October, A. D. 1863, as appears of record.

In testimony whereof, I have hereunto set my hand and affixed the official seal of the district court of [L. S.] the Upper Peninsula for the county of Houghton, at Houghton, this 19th day of October, in the year of our Lord one thousand eight hundred and sixty-three.

SETH REES, *Clerk.*

LEELANAW COUNTY.

In the matter of the application of K. Freeman, Charles Williams, Daniel Cleveland, Thompson Shobe, Ira Newman, J. Dewing, Hezekiah Clark, Isaac W. Cook, A. M. Hamon, George W. Mead, Eli Dunning, J. W. Bartlet, Minor Kellogg, Warren F. Everts, Gillman Wiles, Charles Morgan, for the erection and organization of a new township.

It appearing to the board of supervisors that application has been made, and notices thereof have been signed, posted up and published as in manner required by law, and having duly considered the matter of said application, the board order and enact that the territory described in said application, bounded as follows, to wit: to consist of all the territory in township twenty-eight north, of range thirteen west, a map or survey of which territory will be attached to the application, to be and the same is hereby erected into a new township, to be called and known by the name of the township of Kasson. The first annual township meeting thereof shall be held at the house of Thompson Shobe, on the first Monday of April next, at nine o'clock A. M., the usual time for the holding of township meetings; and at said meeting Charles S. Williams, Jonathan Dewing and A. M. Hamon, shall be the three electors to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of elections at any township meeting, as the law provides.

STATE OF MICHIGAN, }
County of Leelanaw, } ss.

I, W. E. Powers, deputy county clerk of the aforesaid county, and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of an order of said board with the record thereof in my office, as clerk of said board, and the copy thereto attached of the map or survey of the new township of Kasson, in my office, and furnished to said board on the application for the erection and organization of said township, and the said copies are true copies. And I further certify that the foregoing order of said board was passed by them, at a meeting held at Northport, in said county, on the third day of January, A. D. 1865, as appears by their record.

In testimony whereof, I hereunto set my hand and
[L. S.] affix the seal of the circuit court of said county,
this 3d day of January, A. D. 1865.

W. E. POWERS,
Deputy County Clerk.

MANISTEE COUNTY.

At a special meeting of the board of supervisors for Manistee county, held on the twelfth day of April, A. D. 1865, at the office of the county clerk, pursuant to notice given according to law: Present, Adolphus Magnan, supervisor of the township of Stronach, and Charles Griffiths, supervisor of the township of Brown; David D. Secor present as clerk.

Copy of the order of the board of supervisors, as recorded on page 100, of records of board of supervisors for Manistee county, for erecting a new township in said county:

It appearing to the board of supervisors that application has been made, and that notice thereof has been signed, posted up and published as in the manner required by law, and having duly considered the matter of said application, the board order

and enact that the territory described in said application, bounded as follows, to wit: Town twenty-three (23) north, of range fifteen west, (15,) town twenty-three (23) north, of range sixteen west, (16,) town twenty-four (24) north, of range fifteen west, (15,) and town twenty-four (24) north, of range sixteen west, (16,) be and the same is hereby erected into a township to be called and known by the name of the township of Bear Lake. The first annual township meeting thereof shall be held at the house of Simeon Anderson, on the twenty-eighth day of April, A. D. 1865, at ten o'clock in the forenoon; and at said meeting Nathan P. Pierce, Jerome Hurlburt and George B. Pierce, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of election at any township meeting, as the law provides.

ADOLPHUS MAGNAN,

Chairman of the Board of Supervisors.

DAVID D. SECOR, *County Clerk.*

STATE OF MICHIGAN, }
County of Manistee, } ss.

I, David D. Secor, clerk of the county aforesaid, and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of an order of said board with the record thereof in my office, as clerk of said board, and the copy thereto attached of the map or survey of the new township of Bear Lake, in my office, and furnished to said board on the application for the erection and organization of said township, and that said copies are true copies.

And I further certify that the foregoing order of said board was passed by them, at their meeting, held at the county clerk's office, in said county, on the twelfth day of April, A. D. 1865, as appears by their record.

In testimony whereof, I have hereunto set my hand,
[L. S.] affixed the seal of the circuit court of said county,
this fourteenth day of April, A. D. 1865.

DAVID D. SECOR,
County Clerk.

By THOMAS A. PAINE,
Deputy Clerk.

MONTCALM COUNTY.

In the matter of the application of Alonzo Darling, H. E. W. Palmer and others, for the erection and organization of a new township.

It appearing to the board of supervisors that application has been made, and that notice thereof has been signed, posted up and published, as in the manner required by law, and having duly considered the matter of said application, the board order and enact that the territory described in said application, bounded as follows, to wit: commencing at the north-east corner of township eleven north, of range six west, thence running west six miles, thence south six miles, thence east six miles, thence north six miles, to the place of beginning, being township number eleven north, of range six west, Montcalm county, Michigan, be and the same is hereby erected into a township to be called and known by the name of the township of Day. The first annual township meeting thereof shall be held at the house of Henry Kretzinger, in said township, on the first Monday of April, A. D. one thousand eight hundred and sixty-five, at nine o'clock in the forenoon; and at said meeting H. E. W. Palmer, John A. Dyer and Jared Strong, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of election at any township meeting, as the law provides.

STATE OF MICHIGAN, }
County of Montcalm, } ss.

I, G. F. Case, deputy clerk of the county of Montcalm, and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of an order of said board, with the record thereof in my office, as clerk of said board, and the copy thereto attached of the map or survey of the new township of Day, in my office, and furnished to said board on the application for the erection and organization of said township; and I further certify that the foregoing order of said board, was passed by them at their meeting, held at Stanton, in said county, on the 12th day of October, 1864, as appears by their record.

In testimony whereof, I have hereto set my hand
[L. S.] and affixed the seal of the circuit court of said county, this 25th day of October, A. D. 1864.

G. F. CASE,
Deputy County Clerk.

MONTCALM COUNTY.

In the matter of the application of William W. Woodard, R. Jackson and others, for the erection and organization of a new township.

It appearing to the board of supervisors that application has been made, and notice thereof has been signed, posted up and published, as in the manner required by law, and having duly considered the matter of said application, the board order and enact that the territory described in said application, bounded as follows, to wit: Commencing at the north-east corner of township twelve north, of range six west, thence running west six miles, thence south six miles, thence east six miles, thence north six miles, to the place of beginning, be and the same is hereby erected into a township to be called and known by the name of the township of Home. The first

annual township meeting thereof shall be held at the house of R. Jackson, in said township, on the first Monday in April, A. D. one thousand eight hundred and sixty-five, at nine o'clock in the forenoon; and at said meeting, R. Jackson, H. N. Tupper and William W. Woodard, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of election at any township meeting, as the law provides.

STATE OF MICHIGAN, }
County of Montcalm, } ss.

I, G. F. Case, deputy clerk of the county of Montcalm, and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of an order of said board with the record thereof in my office, as clerk of said board, and the copy thereto attached of the map or survey of the new township of Home, in my office, and furnished to said board on the application for the erection and organization of said township, and I further certify that the foregoing order of said board, was passed by them at their meeting held at Stanton, in said county, on the 12th day of October, 1864, as appears by their record.

In testimony whereof, I have hereto set my hand
[L. S.] and affixed the seal of the circuit court of said
county, this 25th day of October, A. D. 1864,

G. F. CASE,

Deputy County Clerk.

OCEANA COUNTY.

In the matter of the application of E. D. Plumb, (and others named,) for the erection and organization of a new township.

It appearing to the board of supervisors that application has been made, and that notice thereof has been signed, posted up and published as in the manner required by law,

and having duly considered the matter of said application, the board order and enact that the territory described in said application, bounded as follows, to wit: sectional township fifteen north, of range eighteen west, and township fifteen north, of range nineteen west, be and the same is hereby erected into a township, to be called and known by the name of the township of Golden. The first annual township meeting thereof shall be held at the house of Jeremiah Barnhart, on the first Monday of April, A. D. 1865, at nine o'clock in the forenoon; and at said meeting, Jeremiah Barnhart, and John Fletcher, and William J. Haughey, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as inspectors of elections at any township meeting, as the law provides.

STATE OF MICHIGAN, }
County of Oceana, } ss.

I, Edgar D. Richmond, clerk of the county aforesaid, and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of an order of said board, with the record thereof in my office, as clerk of said board, and the copy thereto attached, of the map or survey of the new township of Golden, in my office, and furnished to said board on the application for the erection and organization of said township, and that said copies are true copies; and I further certify that the foregoing order of said board was passed by them at their meeting, held at Clay Banks, in said county, on the 11th day of October, A. D. 1864, as appears by their record.

In testimony whereof, I have hereunto set my hand
[L. S.] and affixed the seal of the circuit court of said
county, this 11th day of October, A. D. 1864.

EDGAR. D. RICHMOND,
County Clerk of Oceana County.

ONTONAGON COUNTY.

In the matter of the application of Daniel Beaser and others, for the erection and organization of a new township.

It appearing to the board of supervisors that application has been made, and that notice thereof in writing has been signed, posted and published as in the manner provided by law, and a map having been furnished of all the townships to be affected by the division, and having duly considered the matter of said application, the board order and enact that the territory described in said application, that is to say: townships number fifty (50) north, of range number forty-two, (42,) forty-three, (43,) and forty-four (44) west, and fractional townships number fifty-one (51) north, of range number forty-one, (41,) forty-two, (42,) forty-three (43) and forty-four (44) west, be detached from the township of Pewabic, and be and the same hereby is erected into a new township, to be called and known by the name of the township of Carp Lake. The first annual meeting therein shall be held at the office of the Carp Lake mining company, in said township, on Monday, the fourth day of April, A. D. 1864, at nine o'clock in the forenoon of that day; and Frank Solisbury, John Loshapell and Louis Loshapell, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open the polls and exercise the same powers as the inspectors of elections at any township meeting, as the law provides, which was adopted by the following vote: yeas—Messrs. Dickinson, White, McLean and Doolittle; nays—Mr. Bowen.

F. G. WHITE,
Chairman.

HENRY R. CLOSE, *County Clerk.*

STATE OF MICHIGAN, }
County of Ontonagon, } ss.

I, Henry R. Close, clerk of said county of Ontonagon, and of the board of supervisors thereof, do hereby certify that I have carefully compared the above and foregoing copy of an

order of said board of supervisors with the original record thereof in my office, as clerk of said board, and that said copy is a true copy and statement of the action of said board relating to the organization of said township; and I further certify that the foregoing order of said board was passed by them at their meeting, held at the village of Ontonagon, in said county, on the twenty-sixth day of January, A. D. 1864, as appears by their record.

In testimony whereof, I have hereunto set my hand
[L. S.] and affixed the seal of the circuit court of said
county of Ontonagon, this fifth day of February,
A. D. 1864.

HENRY B. CLOSE,
Clerk.

ONTONAGON COUNTY.

In the matter of the application of William W. Spalding and others, to detach certain territory from the township of Rockland, and annex the same to the township of Greenland.

It appearing to the board of supervisors, that application has been made, and that notice thereof in writing, has been signed, posted up and published, as in the manner required by law, and a map having been furnished of all the townships to be affected by the division, and having duly considered the matter of said application, the board order and enact that the territory mentioned in said application and described as follows, to wit: sections number one, (1,) two, (2,) three, (3,) four, (4,) five, (5,) six, (6,) seven, (7,) eight, (8,) nine, (9,) ten, (10,) eleven (11) and twelve, (12,) in township number fifty (50) north, of range number thirty-eight (38) west, in Ontonagon county, and State of Michigan, be and the same hereby is separated and detached from the township of Rockland, in this county, and the same be and hereby is annexed and added to the township of Greenland, also

in this county; which was adopted by the following vote, viz:
yeas—Messrs. Weber, Emmons, Fisher, Buzzo and McLean;
nays—none.

ANTON WEBER, *Chairman.*

H. R. CLOSE, *Clerk.*

STATE OF MICHIGAN, }
County of Ontonagon, } ss.

I, Henry R. Close, clerk of the county of Ontonagon, and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of an order of the board of supervisors of said county, with the original order of said board, on record in my office, and that the foregoing is a true and exact copy of the same; and I further certify that the foregoing order of said board was passed by them at their meeting, held in the village of Ontonagon, in said county, on the first day of August, A. D. 1864, as appears by their record in my office.

In testimony whereof, I have hereunto set my hand
[L. S.] and affixed the seal of the circuit court of said
county of Ontonagon, this fifth day of August, A.
D, 1864.

HENRY R. CLOSE,
County Clerk.

SANILAC COUNTY.

In the matter of the application of Martin Moore, James Minard and others, for the erection and organization of a new township

It appearing to the board of supervisors that application has been made, and that notice thereof has been posted up, signed and published, as in the manner required by law, and having duly considered the matter of said application, the board order and enact that the territory described in said application, bounded as follows, to wit: Township twelve (12) north, of range thir-

teen (13) east, township twelve (12) north, of range twelve (12) east, and township eleven (11) north, of range thirteen (13) east be and the same is hereby erected into a township to be known and called by the name of the township of "Moore." The first annual township meeting thereof shall be held in the house of James Minard, on the first Monday in April, A. D. 1865, at 9 o'clock A. M.; and at said meeting James Minard, Andrew Moore and Enos Johnson, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of elections at any township meeting, as the law provides.

GEO. HINKSON, JR., *Chairman.*

SAMUEL BURGESS, *Clerk.*

STATE OF MICHIGAN, }
County of Sanilac, } ss.

I do hereby certify that the foregoing is a true statement of the action of the board of supervisors of said county, and a true copy of an original act on file in my office, on the several applications for the organization of the township of Moore.

In testimony whereof, I have hereunto set my hand

[L. S.] and affixed the seal of the circuit court of said county of Sanilac, at Lexington, this 10th day of January, A. D. 1865.

SAMUEL BURGESS,

County Clerk.



STATE TREASURER'S ANNUAL REPORT---1864.

STATE TREASURER'S OFFICE,
Lansing, Nov. 30th, 1864. }

To the Legislature of the State of Michigan:

GENTLEMEN: I herewith have the honor to submit in conformity to the law, a statement of the receipts and payments of this department, as also the usual exhibit of the various funds of the State for the fiscal year ending November 30th, 1864:

The total receipts of the office, including last year's balance, are.....	\$2,444,242 25
The total payments for the same period is.....	\$2,004,194 98
Leaving a balance in the Treasury of	440,047 27
	<u>\$2,444,242 25</u>

WAR EXPENDITURES AND RECEIPTS.

The "War Fund" was overdrawn at the close of the last fiscal year,..... \$120,387 04

The amount of expenditures for the current year, charged to this fund is 823,216 75

Making a total of..... \$943,603 79

Under the provisions of act No. 109, approved

March 14, 1863, I have sold War Loan Bonds to the amount of..... \$571,000 00

On which I received for premium and accrued interest,..... 15,316 36

By the provisions of "an act authorizing a war bounty loan," approved Feb. 5, 1864, a loan of

\$500,000 was authorized for bounty purposes, the money arising from the loan to be credited to the war fund. Under the provisions of this act I have issued bonds to the amount of..... \$230,000 00

All of which were taken up by this office for the sinking funds.

Of the amount levied for interest on the "War Loan," I have credited the war fund for the amount of

- interest actually paid,..... 54,019 00

Amount of State bounty refunded, 50 00

The war fund is now overdrawn.. 73,218 43

\$943,603 79

SINKING FUND.

During the past fiscal year the following sums have been set apart for the several sinking funds, to wit:

War Loan Sinking Fund, from 1-16th mill tax,.. \$10,753 49

War Loan Sinking Fund, from surplus of taxes levied for interest,..... 30,674 00

Two Million Loan Sinking Fund, from 1-8th mill tax,..... 21,506 98

Primary School Fund, receipts from July 1, 1863, to July 1, 1864,..... 131,892 19

University Fund receipts, from July 1, 1863, to July 1, 1864,..... 24,454 59

Normal School receipts, from July 1, 1863, to July 1, 1864,..... 2,510 93

\$221,793 18

I have invested \$230,000 for the sinking funds in war bounty bonds, as before stated.

APPENDIX.

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STATE DEBT.

The funded interest bearing debt of the State is as follows, to wit:

Renewal Loan Bonds, 6's, due January 1, 1878,...	\$216,000 00
Two Million Loan Bonds, 7's, due January, 1868,	250,000 00
" " 6's, " 1873,	500,000 00
" " 6's, " 1878,	500,000 00
" " 6's, " 1883,	750,000 00
War Loan,	7's, " 1886, 1,122,000 00
Ste. Marie Canal Bonds, 6's,	" 1878, 100,000 00
	<u>\$3,438,000 00</u>

The amount of non-interest bearing debt is as follows:

Adjusted Bonds, past due,.....	\$ 9,000 00
Full paid Five Million Loan Bonds, past due,...	12,000 00
War Loan Bonds, \$100 and \$50, called in,.....	1,150 00
\$140,000 unrecognized Five Million Loan Bonds,	
adjustable for.....	80,999 80
Making a total funded and fundable debt of..	<u>\$3,541,149 80</u>

THE TRUST FUND DEBT

Is made up of the following amounts and funds respectively, to wit:

Primary School Fund,	\$1,032,638 95
University Fund,.....	247,146 89
Normal School Fund,.....	33,000 33
Railroad Deposits,.....	2,157 32
	<u>\$1,314,943 49</u>

Very respectfully,

J. OWEN,

State Treasurer.

Treasurer of the State of Michigan in account with the State of Michigan.

DEBIT.

1864.

Nov. 30.	To balance, Nov. 30, 1863,	\$354,121 08
"	" receipts on acc't of General Fund, ..	751,117 31
"	" " Int. Imp. Fund,	11,650 13
"	" " Prim. School "	176,706 64
"	" " " " Int. "	60,806 53
"	" " " University "	32,334 02
"	" " " " Int. "	15,298 08
"	" " " Normal Sch'l "	5,464 85
"	" " " " " Int. "	2,560 96
"	" " " State Build. "	2,373 60
"	" " " Asylum "	6,897 62
"	" " " Swamp Land "	182,415 79
"	" " " Amount refunded	
"	" " " H. S. Clubb, ..	24 75
"	" " " Swamp Land Interest Fund, ..	8,780 17
"	" " " Ste. Marie Canal Fund,	15,144 00
"	" " " War Fund,	816,366 36
"	" " " Suspense Acc't.,	1,580 36

\$2,444,242 25

Ledger Balances.

DEBIT.

1864.

Nov. 30. To cash,.....	\$440,047 27
" Internal Improvement Fund,.....	2,414,885 00
" War Fund,.....	73,218 43
" War Loan Sinking Fund,.....	235,110 53
" Suspense account,.....	52,305 38

\$3,15,566 61

Ledger Balances.

CREDIT.

1864.

Nov. 30. By General Fund,.....	\$1,380,164	61
" Primary School Fund,.....	1,032,638	95
" " Interest Fund,.....	52,994	34
" University Fund,.....	247,146	89
" " Interest Fund,.....	2,824	30
" Normal School Fund,.....	33,000	33
" " Interest Fund,.....	4,380	79
" Swamp Land Fund,.....	187,880	68
" " Interest fund,.....	78,862	48
" Asylum Fund,.....	50,840	47
" State Building Fund,.....	20,316	22
" Contingent Fund,.....	392	35
" Treasury Notes,.....	730	00
" Sta. Marie Ship Canal Fund,.....	50,064	07
" Mich. Cen. R. R. Deposits,.....	1,947	02
" Mich. Sou. R. R. Deposits,.....	146	72
" St. Jo. Valley R. R. Deposits,.....	55	00
" O. & O. R. R. Deposits,.....	8	58
" Military Fund,.....	27,158	85
" Soldiers' Relief Fund,.....	2,000	00
" Two Million Loan Sinking Fund,...	43,013	96
	<u>\$3,215,566</u>	<u>61</u>

General Fund.

DEBIT.

1864.

Nov. 30. To warrants paid during fiscal year,....	\$478,114 56
" am't trans. to Internal Imp. Fund,	180 00
" " " Primary Sch'l Int. "	86,504 16
" " " University " "	22,690 69
" " " Norm. Sch'l " "	1,765 68
" " " " "appropriat'n,	6,500 00
" " " Asylum " "	54,000 00
" " " War Loan Sink. F'd,	41,427 49
" " " War Fund,.....	54,019 00
" " " Two Mil. L. Sink. F'd,	21,506 98
" " " Military Fund,.....	19,628 70
" balance,.....	1,380,164 61
	<u><u>\$2,166,501 87</u></u>

Internal Improvement Fund.

DEBIT.

1864.

Nov. 30. To balance Nov. 30, 1863,.....	\$2,425,465 13
" warrants paid during fiscal year,....	1,250 00
	<u><u>\$2,426,715 13</u></u>

General Fund.

CREDIT.

1864.

Nov. 30. By balance Nov. 30, 1863,	\$1,400,929 34
" cash received during fiscal year,	751,117 31
" transfer from Canal Fund,	14,455 22

\$2,166 501 87

Internal Improvement Fund.

CREDIT.

1864.

Nov. 30. By cash received during fiscal year,	\$11,650 18
" amount transferred from Gen. Fund,	180 00
" balance,	2,414,885 00
	<hr/>
	\$2,426,715 18
	<hr/>

Primary School Fund.

DEBIT.

1864.

Nov. 30. To warrants paid during fiscal year,...	\$ 160 86
" balance,	1,032,638 95
	<u>\$1,032,799 81</u>

Primary School Interest Fund.

DEBIT.

1864.

Nov. 30. To warrants paid during fiscal year,....	\$137,154 86
" balance,	52,994 84
	<u>\$190,149 20</u>

University Fund.

DEBIT.

1864.

Nov. 30. To warrants paid during fiscal year,...	\$ 120 00
" balance,	247,146 89
	<u>\$247,266 89</u>

University Interest Fund.

DEBIT.

1864.

Nov. 30. To warrants paid during fiscal year,...	\$42,590 31
" balance,	2,324 30
	<u>\$4 4,914 61</u>

Primary School Fund.

CREDIT.

1864.

Nov. 30. By balance Nov. 30, 1863,.....	\$856,093 17
" cash received during fiscal year, ...	176,706 64
	<hr/>
	\$1 082,799 81
	<hr/>

Primary School Interest Fund.

CREDIT.

1864.

Nov. 30. By balance Nov. 30, 1863,.....	\$42,838 51
" cash received during fiscal year, ...	60,806 53
" am't transferred from General Fund,	86,504 16
	<hr/>
	\$190,149 20
	<hr/>

University Fund.

CREDIT.

1864.

Nov. 30. By balance Nov. 30, 1863,.....	\$214,332 87
" cash received during fiscal year, ...	32 934 02
	<hr/>
	\$247,266 89
	<hr/>

University Interest Fund.

CREDIT.

1864.

Nov. 30. By balance Nov. 30, 1863,.....	\$ 6,925 84
" cash received during fiscal year, ...	15,298 18
" am't transferred from General Fund,	22,690 69
	<hr/>
	\$44,914 61
	<hr/>

Normal School Fund.

DEBIT.

1864.

Nov. 30. To warrants paid during fiscal year,...	\$ 40 00
" balance,	33,000 33
	<hr/>
	\$33,040 33
	<hr/>

Normal School Interest Fund.

DEBIT.

1864.

Nov. 30. To warrants paid during fiscal year,...	\$11,410 50
" balance,	4,380 79

\$15,791 29
Swamp Land Fund.

DEBIT.

1864.

Nov. 30. To warrants paid during fiscal year,...	\$171,470 44
" balance,	187,890 68
	<hr/>
	\$359,351 12
	<hr/>

Swamp Land Interest Fund.

DEBIT.

1864.

Nov. 30. To warrants paid during fiscal year,...	\$ 439 95
" balance,	78,862 48
	<hr/>
	\$79,302 43
	<hr/>

Normal School Fund.

CREDIT.

1864.

Nov. 30. By balance Nov. 30, 1863,	\$27,575 48
" cash received during fiscal year,	5,464 85
	<hr/>
	<u>\$33,040 33</u>

Normal School Interest Fund.

CREDIT.

1864.

Nov. 30. By balance Nov. 30, 1863,	\$4,964 65
" cash received during fiscal year,	2,560 96
" am't transferred from General Fund,	1,765 68
" " of appropriation,	6,500 00
	<hr/>
	<u>\$15,791 29</u>

Swamp Land Fund.

CREDIT.

1864.

Nov. 30. By balance Nov. 30, 1863,	\$176,910 58
" cash received during fiscal year,	182,440 54
	<hr/>
	<u>\$359,351 12</u>

Swamp Land Interest Fund.

CREDIT.

1864.

Nov. 30. By balance Nov. 30, 1863,	\$70,522 26
" cash received during fiscal year,	8,780 17
	<hr/>
	<u>\$79,302 43</u>

Asylum Fund.

DEBIT.

1864.

Nov. 30. To warrants paid during fiscal year,...	\$72,011 00
" balance,.....	50,340 47

 \$122,351 47
State Building Fund.

DEBIT.

1864.

Nov. 30. To warrants paid during fiscal year,...	\$ 5 76
" balance,.....	20,316 22

 \$20,321 97
Contingent Fund.

DEBIT.

1864.

Nov. 30. To balance,.....	\$392 35
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Treasury Notes.

DEBIT.

1864.

Nov. 30. To balance,.....	\$730 00
---------------------------	----------

Asylum Fund.

CREDIT.

1864.

Nov. 30. By balance Nov. 30, 1863,.....	\$61,453 85
" cash received during fiscal year,....	6,897 62
" appropriation,.....	54,000 00
	<u>\$122,351 47</u>

State Building Fund.

CREDIT.

1864.

Nov. 30. By balance Nov. 30, 1863,.....	\$17,948 37
" cash received during fiscal year,....	2,373 60
	<u>\$20,321 97</u>

Contingent Fund.

CREDIT.

1864.

Nov. 30. By balance Nov. 30, 1863,.....	<u>\$392 35</u>
---	-----------------

Treasury Notes.

CREDIT.

1864.

Nov. 30. By balance Nov. 30, 1863,.....	<u>\$730 00</u>
---	-----------------

Ste. Marie Ship Canal Fund.

DEBIT.

1864.

Nov. 30. To warrants paid during fiscal year,....	\$ 6,000 00
" amount transferred to General Fund,	14,455 22
" balance,	50,064 07
	<u>\$70,519 29</u>

Michigan Central Railroad Deposits.

DEBIT.

1864.

Nov. 30. To balance,	<u>\$1,947 02</u>
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Michigan Southern Railroad Deposits.

DEBIT.

1864.

Nov. 30. To warrants paid during fiscal year,...	\$ 60 00
" balance,	146 72
	<u>\$206 72</u>

St. Joseph Valley Railroad Deposits.

DEBIT.

1864.

Nov. 30. To balance,	<u>\$55 00</u>
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Oakland and Ottawa Railroad Deposits.

DEBIT.

1864.

Nov. 30. To balance,	<u>\$8 58</u>
----------------------------	---------------

Ste. Marie Ship Canal Fund.

CREDIT.

1864.		
Nov. 30.	By balance Nov. 30, 1863,.....	\$55,375 29
"	cash received during fiscal year,....	15,144 00
		<hr/>
		\$70,519 29
		<hr/>

Michigan Central Railroad Deposits.

CREDIT.

1864.		
Nov. 30.	By balance Nov. 30, 1863,.....	\$1,947 02
		<hr/>

Michigan Southern Railroad Deposits.

CREDIT.

1864.		
Nov. 30.	By balance Nov. 30, 1863,.....	\$206 72
		<hr/>
		\$206 72
		<hr/>

St. Joseph Valley Railroad Deposits.

CREDIT.

1864.		
Nov. 30.	By balance Nov. 30, 1863,.....	\$55 00
		<hr/>

Oakland and Ottawa Railroad Deposits.

CREDIT.

1864.		
Nov. 30.	By balance Nov. 30, 1863,.....	\$8 58
		<hr/>

Military Fund.

DEBIT.

1864.

Nov. 30. To balance,..... \$27,158 85

\$27,158 85
Suspense Account.

DEBIT.

1864.

Nov. 30. To balance Nov. 30, 1863, \$53,885 74

\$53,885 74
War Fund.

DEBIT.

1864.

Nov. 30. To balance Nov. 30, 1863, \$120,387 04

" warrants paid during fiscal year,... 823,216 75

\$943,603 79
War Loan Sinking Fund.

DEBIT.

1864.

Nov. 30. To balance Nov. 30, 1863, \$ 29,388 02

" warrants paid during fiscal year,... 247,150 00

\$276,538 02

Military Fund.

CREDIT.

1864.

Nov. 30. By balance Nov. 30, 1863,	\$ 7,530 15
" am't transferred from General Fund,	19,628 70
	<hr/>
	\$27,158 85
	<hr/>

Suspense Account.

CREDIT.

1864.

Nov. 30. By cash received during fiscal year,....	\$ 1,580 36
" balance,..	52,305 38
	<hr/>
	\$53,885 74
	<hr/>

War Fund.

CREDIT.

1864.

Nov. 30. By cash received during fiscal year,....	\$816,366 36
" am't transferred from General Fund,	54,019 00
" balance,	73,218 43
	<hr/>
	\$943,603 79
	<hr/>

War Loan Sinking Fund.

CREDIT.

1864.

Nov. 30. By am't transferred from General Fund,	\$ 41,427 49
" balance,.....	235,110 53
	<hr/>
	\$ 76,538 02
	<hr/>

Two Million Loan Sinking Fund.

DEBIT.

1864.

Nov. 30. To balance,..... \$43,013 96

\$43,013 96

Soldiers' Relief Fund.

DEBIT.

1864.

Nov. 30. To warrants paid during fiscal year,... \$13,000 00
" balance,..... 2,000 00

\$15,000 00

APPENDIX.

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Two Million Loan Sinking Fund.

CREDIT.

1864.

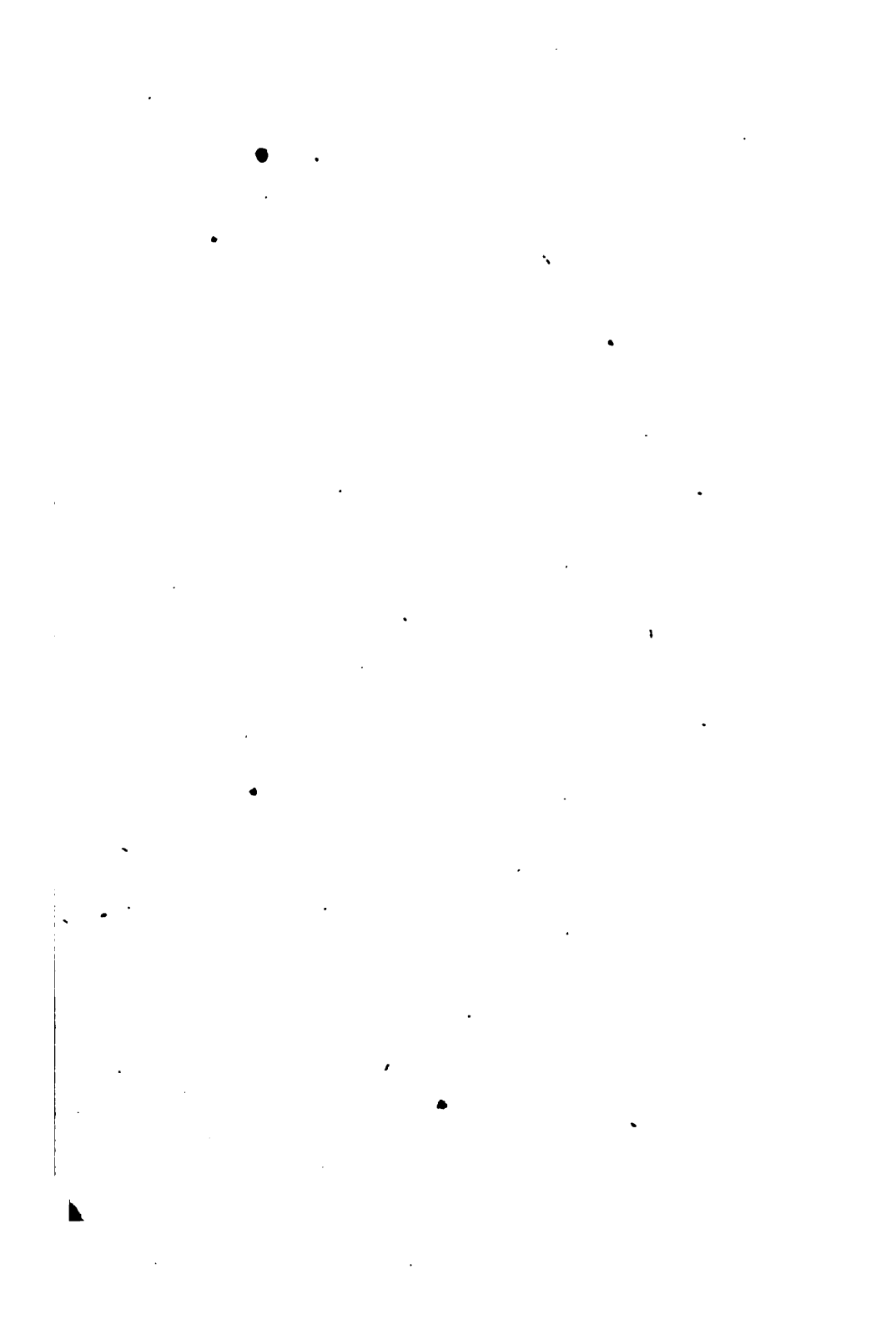
Nov. 30. By balance Nov. 30, 1863,	\$21,506 98
" am't transferred from General Fund,	21,506 98
	<hr/>
	\$43,013 96
	<hr/>

Soldiers' Relief Fund.

CREDIT.

1864.

Nov. 30. By balance Nov. 30, 1863,	\$15,000 00
	<hr/>
	\$15,000 00
	<hr/>



BANK STATEMENTS.

STATEMENT of the condition of the Michigan Insurance Bank of Detroit, December 1, 1864.

RESOURCES.

Cash—Legal Tender Treasury Notes,.....	\$ 48,000 00
“ “ “ 5 pr. ct. Int.	121,000 00
U. S. Assistant Treasurer in New York,.....	50,000 00
Notes of other Banks,.....	38,126 00
Checks and Drafts on Banks and Bankers,.....	36,300 03
Due from Banks and Bankers,.....	220,577 77
Public Stocks,.....	149,650 00
Loans and Discounts,.....	557,687 45
Bonds and Mortgages,.....	15,440 00
Real Estate,.....	28,508 00
	<u>\$1,265,289 85</u>

LIABILITIES.

Capital Stock,.....	\$200,010 00
Circulation,.....	49,122 00
Due Banks and Bankers,.....	73,733 83
Due depositors,.....	875,849 48
Profits,	66,574 54
	<u>\$1,265,289 85</u>

STATE OF MICHIGAN, }
Wayne County, } ss.

Walter Ingersoll, Cashier of the Michigan Insurance Bank,
being duly sworn, saith that the above statement is true ac-
cording to the best of his knowledge and belief.

(Signed)

WALTER INGERSOLL,

Cashier.

Sworn and subscribed before me, this 2d day of December, 1864.

(Signed)

CHAS. C. CADMAN,

Notary Public.

STATEMENT showing the condition of the Farmers' and Mechanics' Bank of Detroit, on the 1st day of December, 1864.

ASSETS.

Cash,.....	\$18,413 52
Real Estate,	3,550 00
Bonds and Mortgages,.....	8,157 68
Land Contracts,.....	675 00
State Bonds,.....	15,500 00
U. S. 5-20 Bonds,	40,000 00
Due from Banks,.....	23,040 80
Bills Discounted,.....	91,822 58
	<u>\$201,159 58</u>

LIABILITIES.

Capital,	\$50,000 00
Circulation,.....	55,000 00
Due depositors,	89,283 53
Interest and Exchange Account,	6,876 23
	<u>\$201,159 58</u>

STATE OF MICHIGAN, }
Wayne County, } ss.

Wm. D. Morton, Cashier of the Farmers' and Mechanics Bank of Michigan, being duly sworn, deposes and says that the above statement exhibits the condition of the Farmers' and Mechanics' Bank of Michigan, on the morning of the first (1st) day of December, 1864.

(Signed)

WM. D. MORTON.

Sworn and subscribed to before me, this fifth day of December, 1864.

JAMES O. FORREST,
Notary Public, Wayne Co., Mich.

STATEMENT showing the condition of the State Bank of Michigan, December 1st, 1864.

ASSETS.

Cash—Legal Tender Treasury Notes,.....	\$ 76,200 00
Notes of other Banks,.....	19,985 00
Checks on other Banks—since paid,	23,187 98
Due from Banks—New York, Albany and Boston,	174,302 07
Public Stocks,	87,000 00
Loans and Discounts,	218,894 68
	<u>\$599,069 73</u>

LIABILITIES.

Capital,	\$50,000 00
Surplus,	35,037 70
Circulation,	28,000 00
Deposits,	491,032 03
	<u>\$599,069 73</u>

STATE OF MICHIGAN, }
Wayne County, } ss.

Emory Wendell, Cashier, being duly sworn, says the above is a correct statement of the condition of the State Bank of Michigan, as it appears by the books of the Bank, on the first day of December, 1864, according to the best of his knowledge and belief.

(Signed)

EMORY WENDELL.

Sworn and subscribed to before me, this second day of December, 1864.

D. BETHUNE DUFFIELD,
Notary Public, Wayne Co., Mich.

STATEMENT of the liabilities and resources of the Peninsular Bank on the evening of 30th November, 1864.

RESOURCES.

Bonds with State Treasurer,.....	\$41,000 00
Cash, and cash items,.....	5,773 26
Due from Banks and individuals,.....	10,958 05
Bills discounted,	99,159 43
Bonds and Mortgages,.....	8,003 25
Peninsular Bank Stock,.....	600 00
Real Estate,	38,577 18
	<hr/>
	<u>\$204,071 17</u>

LIABILITIES.

Circulation,.....	\$41,000 00
Due to Banks and individuals,.....	32,595 77
Dividends unclaimed,.....	607 50
Capital Stock,.....	106,600 00
Profit and Loss,.....	23,267 90
	<hr/>
	<u>\$204,071 17</u>

STATE OF MICHIGAN, }
County of Wayne, } ss.

Henry P. Pulling, of the city of Detroit, county and State aforesaid, President of the President, Directors and Company of the Peninsular Bank, being duly sworn, declares the above statement of the condition of said Peninsular Bank, on the evening of the 30th day of November, A. D. 1864, to be true according to the best of his knowledge and belief.

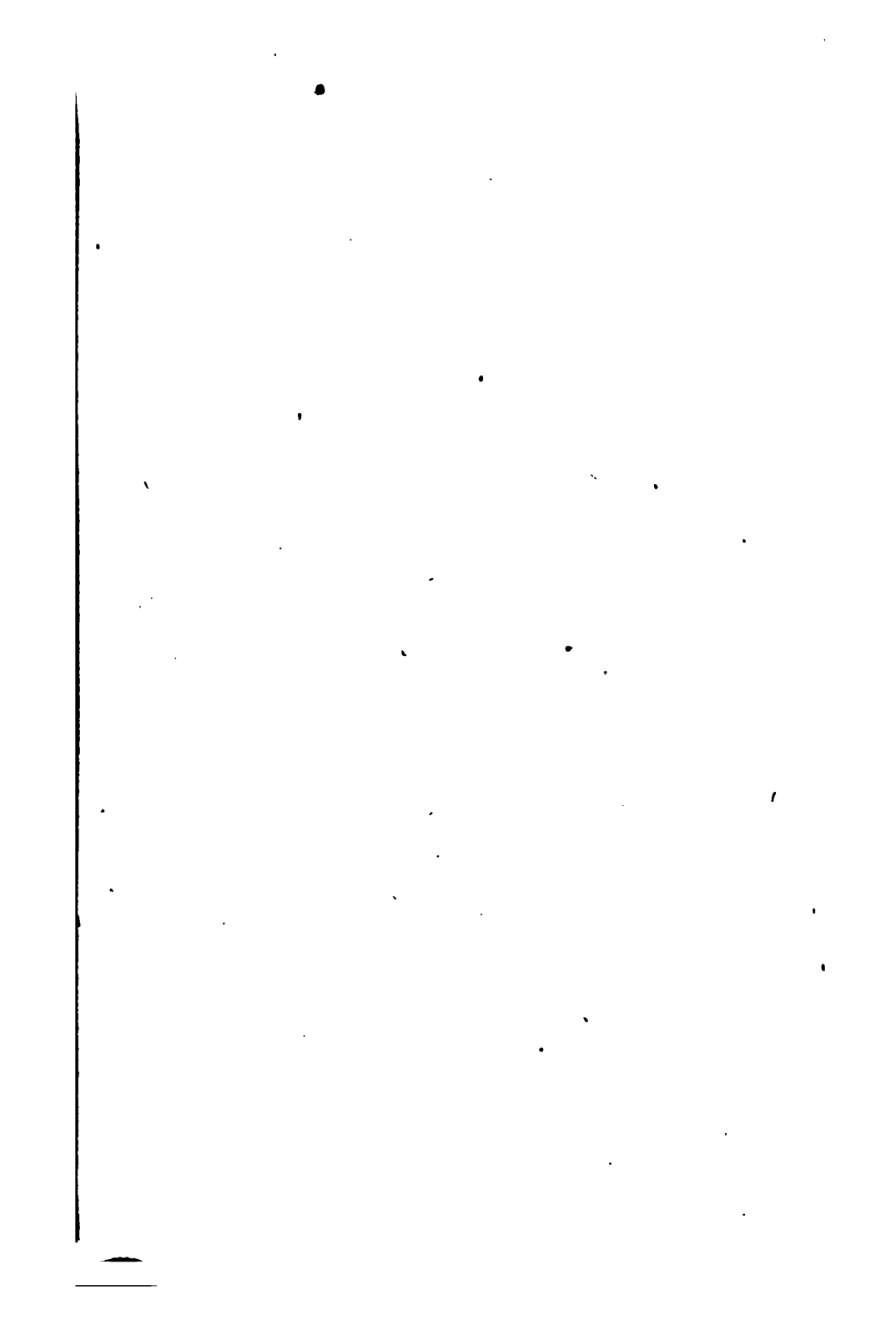
(Signed,) HENRY P. PULLING,

President

Sworn and subscribed to this 12th day of December, A. D. 1864, before me.

JOHN W. A. S. CULLEN,
Notary Public, Wayne County, Mich.

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